UNIVERSITY OF LONDON LIBRARY

THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

REFERENCE ONLY

PARL. PAPERS
FOR REFERENCE ONLY.

UNIVERSITY OF LONDON
LIBRARY

619994

Digitized by the Internet Archive
in 2026

https://archive.org/details/parliamentary-debates_february-march-1854_131

HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

17° VICTORIÆ, 1854.

VOL. CXXXI.

COMPRISING THE PERIOD FROM

THE TWENTY-EIGHTH DAY OF FEBRUARY,

TO

THE TWENTY-EIGHTH DAY OF MARCH, 1854.

Second Volume of the Session.

LONDON:
PUBLISHED BY CORNELIUS BUCK,
AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,
32, PATERNOSTER ROW;
AND BY
LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON;
J. RIDGWAY; J. BIGG AND SON; J. BAIN; ALLEN AND CO.; J. M. RICHARDSON;
P. RICHARDSON; R. BALDWIN; AND J. DALTON.
1854.

[illegible] UNIV.

TABLE OF CONTENTS.

Thursday, March 9. Page

Manning the Navy—Question of the Earl of Ellenborough, and Motion for Returns—Motion *agreed to* 515

Parliamentary Reform—Returns of Population and Franchise—Motion of Earl Grey for Returns, &c.—Motion *agreed to* 519

Sanitary Measures—Motion of the Earl of Harrowby for a Copy of Report of the General Board of Health—Motion *agreed to* 526

Friday, March 10.

Bankruptcy and Insolvency Bill (Scotland)—*Presentation* of Petition by Lord Brougham 588

Fees in County Courts—Motion of Lord Brougham for Returns, &c.—Motion *agreed to* 589

Christianity in the East—Motion of the Earl of Shaftesbury for Copies of Correspondence, &c.—Motion *agreed to* 591

Monday, March 13.

Bills of Exchange Bill—*Presentation* of Bill by Lord Brougham—Bill read 1ª... 618

Secret Correspondence between the English and Russian Governments—Question of the Earl of Derby 621

Civil Service—Motion of Lord Monteagle for "Copy of Instructions given to the Commissioners who have reported on the State of the Civil Service"—Motion *agreed to* 640

Tuesday, March 14.

The Post Office—Communications with the North—*Presentation* of Petition by Earl Grey 757

The Alleged Betrayal of Trust at the Foreign Office—The Secret Correspondence between the English and Russian Governments—Statement of the Earl of Malmesbury 759

The Civil Service—Explanation—Opinion of Sir James Stephen—Statement of the Earl of Granville 764

Testamentary Jurisdiction Bill—Bill read 2ª 764

Thursday, March 16.

Criminal Prosecutions—*Presentation* of Petition by Lord Brougham ... 846

Coasting Trade Bill—Bill read 2ª 847

Friday, March 17.

The Alleged Betrayal of Trust at the Foreign Office—Statement of the Earl of Malmesbury 875

Law of Prize—British Goods in Neutrals—Motion of the Marquess of Clanricarde for Papers, &c.—Motion *agreed to* 885

Monday, March 20.

Testamentary Jurisdiction Bill—*Presentation* of Petition by Lord Brougham ... 991

Letters to Officers of the Baltic Fleet—Question of Earl Grey ... 993

Tuesday, March 21.

Manning the Navy—Question of Lord Ellenborough 1060

Frauds on the Commissariat—Contract for Hay—Statement of the Earl of Ellenborough 1063

Thursday, March 23.

Fraud on the Commissariat—The Hay Contract—Question of the Earl of Ellenborough 1229

Tyne Harbour of Refuge—Manning the Navy—*Presentation* of Petition by the Earl of Ellenborough 1230

Registration of Bills of Sale Bill—House in Committee—Bill *reported* ... 1235

Valuation (Ireland) Act Amendment Bill—House in Committee ... 1236

FRIDAY, MARCH 24.

Page
The Court of Chancery—Motion of Lord St. Leonards for Returns ... 1251
Second Common Law Procedure, 1854, Bill—Bill read 2^a 1257
Day of Prayer and Humiliation—Statement of the Earl of Clancarty ... 1267

MONDAY, MARCH 27.

Message from the QUEEN—War with Russia—*Ordered* that the Message be *considered* on Friday next 1337
Settlement and Removal Bill—Question of the Earl of Derby 1339
Burial-Grounds Act—Metropolitan Interments—Statement of the Bishop of London 1341

TUESDAY, MARCH 28.

Administration of Justice in Ireland—Motion of the Earl of Clancarty for Papers, &c.—Motion *withdrawn* 1387

II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

TUESDAY, FEBRUARY 28.

The Russians at Khiva—Question of Mr. H. G. Liddell 51
Conventual and Monastic Institutions—Motion of Mr. T. Chambers for a Select Committee—Motion *agreed to* by a Majority of 67—Division List ... 53
Newspaper Stamps—Motion of Mr. Craufurd for Returns—Motion *agreed to* ... 135

WEDNESDAY, MARCH 1.

Conventual and Monastic Institutions—Statement of Mr. Lucas ... 141
Supply—Ordnance Estimates—House in Committee 142
Inns of Court—Legal Education—Motion of Mr. Napier for an Address to Her Majesty for the Appointment of a Commission of Inquiry — Motion *agreed to* 147
Payment of Wages (Hosiery)—Motion of Sir Henry Halford for leave to bring in a Bill—Motion *agreed to* 169
Small Arms—Question of Mr. G. Berkeley 170

THURSDAY, MARCH 2.

Great London Drainage Bill—Order for Second Reading read—Amendment of Mr. Williams, "That the Bill be read a Second Time this day Six Months"—Amendment *agreed to*—Bill *put off* for Six Months 195
Ordnance Survey of Scotland—Question of Mr. Rich 200
Emigrant Ships—Motion of Mr. J. O'Connell for the Appointment of a Select Committee of Inquiry—Motion *agreed to* 203
Military Service and Expenditure—Motion of Mr. Hume to Consolidate the different Branches of the Military Service and Expenditure, &c.—Motion *withdrawn* 223

FRIDAY, MARCH 3.

Private Burial-Grounds—Question of Mr. A. Pellatt 275
Salvage by H. M. Ships—Question of Mr. Sandars 276
Parliamentary Representation Bill—Postponement of the Government Measures—Second Reading *deferred* from *Monday*, 13th March, till *Thursday*, 27th April—Subsequently, Order *discharged* 277
Spirits for the use of the Royal Navy—Motion of Mr. P. O'Brien for the introduction of Home-made Spirits for the use of the Navy—Motion *negatived* ... 308
Religious Wants of Roman Catholic Soldiers and Sailors—Statement of Mr. Lucas 314
Supply—Army Estimates—House in Committee 330

TABLE OF CONTENTS.

MONDAY, MARCH 6.

Page
Russia and the Porte—Ultimatum of the two Powers—Question of Mr. Layard 356
The Financial Statement—the Budget—House in Committee of Ways and Means 357
Church Building Acts Continuance Bill—Order for Second Reading read—Amendment of Mr. Hadfield, that the Bill be read a Second Time this day Six Months—Amendment *negatived*—Bill read 2° 441
Valuation (Ireland) Bill—House in Committee 443

TUESDAY, MARCH 7.

Pardon of Frost, Williams, and Jones—Question of Mr. T. Duncombe ... 448
Public Business—Question of Mr. Walpole 449
Church-Yards, &c. (Metropolis)—Motion of Colonel Harcourt for Returns—Motion *agreed to* 450
Postal Communication between London and Scotland—Motion of Mr. H. G. Liddell for a Select Committee—Motion *withdrawn* 453
Coasting Trade Bill—Bill read 3°, and *passed* 462

WEDNESDAY, MARCH 8.

Government Prisons in Ireland—Question of Mr. F. French 467
Succession to Real Estate Bill—Order for Second Reading read—Amendment of Sir J. Pakington, that the Bill be read a Second Time upon this day Six Months—Division List—Amendment *agreed to* by a Majority of 121—Second Reading *put off* for Six Months 467
Absconding Debtors (Ireland) Bill—Order for Second Reading read—Amendment of Mr. Brady, that the Bill be read a Second Time this day Six Months—Amendment *withdrawn*—Bill read 2° 508
Ways and Means—Issue of Exchequer Bills—Resolution for the Issue of Exchequer Bills to the amount of 1,750,000*l.*—Resolution *agreed to* ... 513

THURSDAY, MARCH 9.

Thames Improvement Bill—Order for Second Reading read—Amendment of Mr. Bouverie, that the Bill be read a Second Time this day Six Months—Amendment *agreed to*—Bill *put off* for Six Months 548
Vancouver's Island—*Presentation* of Petition, and Question of Sir J. Pakington 550
Promotions in the Ordnance Office—Questions of Mr. Macartney ... 551
Ministers' Money, &c. (Ireland)—Motion of Mr. Fagan for the Repeal of the Tax called "Ministers' Money"—Amendment of Sir John Young, that the Acts relating thereto be now read—Amendment *agreed to* 552
Judgment Execution, &c.—*Presentation* of Petition by Mr. Cowan ... 583
Kingston-upon-Hull Borough—Motion of Mr. Hume for Papers, &c.—*Agreed to* 585
New Writs—Motion of Lord John Russell, that no New Writs for Barnstaple, Cambridge, Canterbury, Kingston-upon-Hull, Maldon, and Tynemouth, be issued before the 17th day of March—Motion *agreed to* 586
Public Prosecutor's Bill—Second Reading *deferred* till the 30th of March ... 588

FRIDAY, MARCH 10.

Ministers' Money, &c. (Ireland) Bill—House in Committee 615
Exchequer Bills (1,750,000*l.*) Bill—Bill read 1° 617

MONDAY, MARCH 13.

Wandle Sewerage and Water Bill—Order for Second Reading read—Amendment of Mr. Apsley Pellatt, that the Bill be read a Second Time this day Six Months—Amendment *agreed to*—Bill *put off* for Six Months ... 669
Russia and the Porte—Petition—*Presentation* of Petition by Mr. Bright ... 673
The Dinner to Sir C. Napier—Question of Mr. F. French 674
The Appointment of Mr. Stonor—Question of Mr. G. H. Moore ... 688
The Baltic Trade—Postal Arrangements with Australia—Question of Viscount Jocelyn 695

TABLE OF CONTENTS.

MONDAY, MARCH 13—*continued.*

Page
Sale of Russian Ships of War—Question of Sir George Pechell ... 697
Rights of Neutrals—Question of Mr. Mitchell 698
The Confidential Communications with Russia—Questions of Mr. Disraeli ... 700
Newspaper Stamp Prosecutions—Question of Mr. Lucas 703
Greek Insurrection in Turkey—Statement of Mr. M. Milnes 704
Ways and Means—Income Tax—House in Committee 752

TUESDAY, MARCH 14.

Water Supply to the Metropolis—Question of Mr. Bright 780
Juvenile Offenders—Question of Mr. Adderley 781
Nuisances—Sale of Fireworks—Question of Mr. Bowyer 782
The Book of Common Prayer—Motion of Mr. Heywood for a Copy of the Alterations in the Book of Common Prayer proposed by the Royal Commissioners in 1689—Motion *agreed to* by a Majority of 49 783
Declarations—Motion of Mr. A. Pellatt for Leave to bring in a Bill—Motion *agreed to* by a Majority of 1 787
High Treason (Ireland) Bill—Motion of Mr. Whiteside for Leave to bring in a Bill—Motion *agreed to* 794
Property Disposal Bill—Motion of Mr. Whiteside for Leave to bring in a Bill—Motion *agreed to* 796

WEDNESDAY, MARCH 15.

Payment of Wages Bill—Order for Second Reading read—Amendment of Mr. Craufurd for the Appointment of a Select Committee—Amendment *negatived* —Bill read 2° 818
Fisheries (Ireland) Bill—Order for Second Reading read—Amendment of Mr. I. Butt, that the Bill be read a Second Time this day Six Months—Amendment *agreed to*—Second Reading *put off* for Six Months 844

THURSDAY, MARCH 16.

County Rate Expenditure—Question of Mr. M. Gibson 856
The Appointment of Mr. Stonor—Statement of Mr. F. Peel 856
Water Supply to the Metropolis—Question of Lord Seymour 857
Law of Mortmain—Motion of Mr. Headlam for Leave to bring in a Bill—Motion *agreed to* 859
Endowed Grammar Schools—Motion of Mr. A. Pellatt for a Commission of Inquiry into the State of Endowed Schools of England and Wales—Motion *withdrawn* 872

FRIDAY, MARCH 17.

Oxford University Bill—Motion of Lord John Russell for Leave to bring in a Bill —Motion *agreed to*—Bill read 1° 892
Rights of Neutrals—Motion of Mr. M. Gibson for an Address to Her Majesty to give Special Instructions to abstain from interfering with Neutral Vessels on account of Goods and Property, &c.—Motion *withdrawn* ... 955
Appointment of Mr. Stonor—Statement of Mr. G. H. Moore 973
Ways and Means—The Income Tax—House in Committee 986
Mr. Stonor's Case—Explanation of Mr. John Sadleir 991

MONDAY, MARCH 20.

Coloured Subjects of Great Britain in the United States—Question of Mr. Kinnaird 995
Ministers' Money, &c. (Ireland) Bill—Order for Second Reading read—Amendment of Mr. Miall, that the Bill be read a Second Time this day Six Months—Amendment *negatived* by a Majority of 106—Bill read 2° 996
Colonial Clergy Disabilities Bill—Order for Second Reading read—Amendment of Mr. Hadfield, that the Bill be read a Second Time this day Six Months—Amendment *negatived* by a Majority of 134—Bill read 2° 998

MONDAY, MARCH 20—*continued.* Page

Prevention of Bribery at Elections—Canterbury Bribery Prevention—Motion of the Attorney General for Leave to bring in Bills—Division List—Motion *agreed to* by a Majority of 71 1017
Dublin Port Bill—Motion of Sir J. Young for Leave to bring in a Bill—Motion *agreed to*—Bill read 1° 1059
Dublin Carriage Bill—Motion of Sir J. Young for Leave to bring in a Bill—Motion *agreed to*—Bill read 1° 1060

TUESDAY, MARCH 21.

Canada, New Brunswick, and Nova Scotia Railway Bill—Order for Second Reading read—Amendment of Mr. Bouverie, that the Bill be read a Second Time this day Six Months—Amendment *agreed to*—Second Reading *put off* for Six Months 1068
Postage to the Baltic Fleet—Question of Colonel Herbert 1069
Frauds on the Commissariat—Question of Colonel Blair 1070
Military Knights of Windsor—Motion of Mr. Grenfell for an Address to Her Majesty respecting the due appropriation of the Rents and Profits, called the "New Dotation"—Debate *adjourned* till *Friday*, March 24 ... 1071
Carlisle Canonries—Motion of Mr. Ferguson for Leave to bring in a Bill—Motion *agreed to* 1076
Bankruptcy (Ireland)—Motion of Mr. Cairns for Leave to bring in a Bill—Motion *agreed to* 1078
Ways and Means—The Income Tax—Resolution *considered* and *agreed to* ... 1079

WEDNESDAY, MARCH 22.

Simony Law Amendment Bill—Order for Second Reading read—Amendment of Mr. G. Butt, that the Bill be read a Second Time this day Six Months—Amendment *agreed to* by a Majority of 86—Second Reading *put off* for Six Months 1177
Vestries Bill—Motion of Mr. Evelyn, that the Bill be now read a Second Time—Amendment of Mr. Fitzroy, that the Bill be read a Second Time this day Six Months—Amendment *agreed to*—Bill *put off* for Six Months ... 1206
Sligo Election—Report of the Select Committee *brought up* 1211
Payment of Wages (Hosiery) Bill—Order for Second Reading read—Amendment of Sir W. Clay, that the Bill be read a Second Time this day Six Months—Amendment *negatived*—Bill read 2° 1211

THURSDAY, MARCH 23.

Agricultural Statistics—Question of Mr. Palk 1238
Gaming-Houses—Motion of the Attorney General for Leave to bring in a Bill—Motion *agreed to* 1239
Grand Jury Laws (Ireland)—Nomination of the Committee 1245
Income Tax Bill—Bill read 2° 1249
Medical Practitioners (No. 2) Bill—Bill read 2° 1250

FRIDAY, MARCH 24.

Metropolitan Sewers Commission—Question of Sir B. Hall 1269
The Military Asylum at Chelsea—Question of Mr. Oliveira 1271
Lieutenant-Colonels of Militia—Question of Mr. M. Milnes 1272
Colonial Chaplaincies in Van Diemen's Land—Question of Sir John Pakington 1273
Rights of Neutrals—Question of Sir Fitzroy Kelly 1273
Settlement and Removal Bill—Order for Second Reading read—Amendment of Mr. Stafford, that the Bill be read a Second Time this day Six Months—Debate *adjourned* till Monday next 1274
Military Knights of Windsor—Adjourned Debate [21st March] *resumed*—Address *agreed to* 1336

MONDAY, MARCH 27.

South Sea Company Bill—Bill *considered* 1349
Message from the QUEEN—War with Russia—Message to be *considered* on Friday next 1352

Monday, March 27—*continued.* Page

Settlement and Removal Bill—Adjourned Debate (Second Night)—Order for resuming Adjourned Debate on Amendment proposed to be made to Question [24th March]—Debate *resumed*—Debate *further adjourned* till Friday, 28th April 1353
Controverted Elections, &c. Bill—Bill read 2° 1372
Ministers' Money, &c. (Ireland) Bill—House in Committee—Bill *reported* ... 1373
Church Building Acts Continuance Bill—House in Committee—Bill *reported* ... 1381
Sligo Election—Motion of Mr. Ker Seymer, that the Attorney General be instructed to prosecute certain Parties for their conduct in the Sligo Election—Motion *agreed to* 1386

Tuesday, March 28.

Communication between London and Dublin—Motion of Mr. H. Herbert, "That a class of Steamers be provided with adequate accommodation for passengers, and with greater capabilities as regards speed than those at present employed." —Motion *negatived* by a Majority of 56 1397
Conventual and Monastic Institutions—Motion for the Appointment of the Committee—Amendment of Mr. Bowyer, that the Order for the Appointment of the Committee be discharged—Several Motions and Divisions for the Adjournment of the Debate—Debate *adjourned* till *Thursday*, March 30 ... 1411
Judgment Execution, &c. Bill—Bill read 2° 1466

III. New Members Sworn.

Monday, March 6.

Louth—Chichester Samuel Fortescue, Esq., Re-elected on accepting the Office of Commissioner of the Treasury.

Tuesday, March 7.

Cardigan County—Earl of Lisburne, *v.* William Edward Powell, Esq., Steward of Northstead.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE *SIXTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE
CONTINUED TILL 31 JANUARY, 1854, IN THE SEVENTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, February 28, 1854.

MINUTES.] PUBLIC BILLS.—2ª Leasing Powers (Ireland); Landlord and Tenant (Ireland); Law of Landlord and Tenant (Ireland); Powers of Leasing (Ireland); Tenants' Improvements Compensation (Ireland); Law of Landlord and Tenant Consolidation (Ireland); Compensation for Tenants' Improvements (Ireland).

Reported.—County Court Extension Act Explanation.

THE IRISH MILITIA.

THE EARL OF WICKLOW said, he wished to ask a question of his noble Friend at the head of the Government, not from any mere feeling of curiosity, but with the view of preventing a good deal of useless correspondence now going on in Ireland—and, at all events, for the purpose of setting at rest a point at present not well understood. The question he had to ask was, Whether it was the intention of the Government to propose, during the present Session, that the Irish militia should be embodied; and, if such was their intention, whether they would embody it on the old system established during the war, or on the new system which had been in operation since the peace?

THE EARL OF ABERDEEN: In answer to the question of my noble Friend, I have to inform him that a Bill will be introduced this Session into the other House of Parliament, by which a power will be taken to modify the existing law respecting the militia in England, by which at present, I believe, a power exists to extend the 80,000 men which have been raised to 120,000. It is intended to vary that, and to extend to Ireland the power of raising and embodying 30,000 militia, and to Scotland the power of raising and embodying 10,000; but it is not intended to embody the Irish militia this year.

LANDLORD AND TENANT (IRELAND)—LEASING POWERS (IRELAND) BILL—LANDLORD AND TENANT (IRELAND) BILL.

THE EARL OF DONOUGHMORE moved the Second Reading of the Leasing Powers (Ireland) Bill, and the Landlord and Tenant (Ireland) Bill. His Lordship said, he thought he should best consult the convenience of their Lordships if, in explaining the nature of those two Bills, he should not address to them any lengthened observations on the question of landlord and tenant in Ireland. The subject had often occupied the attention of both Houses of Parliament. It was not only in the present and more recent times that this important subject had occupied the attention of public men; but in ancient times, ever since the great Revolution, the Irish Statute-book bore continual witness to attempts made to remedy the evils which had always been felt to exist in reference to the state of relations between landlords and tenants in Ireland. There was scarcely a Session of the Irish Parliament, from the accession of William III. down to the Union, in which efforts had not been made to ameliorate the relationship between landlord and tenant in that part of the kingdom; he could not but admit that those attempts had not been attended with any great result. They had been made in a desultory manner to meet grievances and evils as they arose, without any general plan, and with an almost superstitious reverence for those feudal maxims of law which we now admitted to be utterly unsuitable to agricultural countries. Since the Union, other measures, having the same end in view, had from time to time been brought before the English Parliament, down to the present day, and still the grievances complained of remained unredressed. All parties in that and the other House of Parliament seemed to think that the law of landlord and tenant required revision, and those who, like himself, endeavoured to suggest remedies for the existing evils were merely following the example of the leaders of the political parties on both sides of the House. In considering this subject, very great attention had of late years been paid to the Report of the Devon Commission of 1844—a document which had been drawn up with great care; but, in connection with that circumstance, their Lordships ought to recollect that the state of Ireland in 1844 differed materially from the state of Ireland in 1854. In the interval that country had passed through a period of great trial and suffering, and many of the conditions of things which were most remarkable at the former date had now ceased to exist. On that account he thought that, in legislating on this question at the present time, they were not bound to follow explicitly the recommendations of that Report. Although in many respects it was entitled to great attention. In the last Session of Parliament his right hon. Friend the then Attorney General for Ireland (Mr. Napier) introduced four measures on this subject into the other House. The plan which he proposed to pursue was, in the first place, to consolidate the law. It was not only in respect to this branch of the law that consolidation had been found desirable, but it had already been had recourse to, with great success, by the noble and learned Lords the present and previous Lord Chancellors; and a measure for the consolidation of the law was introduced into Parliament, and passed into an Act, last Session with respect to common law procedure in Ireland. The next point to which the right hon. Gentleman's Bills referred was the reform of the law in certain matters in which such reform was manifestly necessary. The compensation of tenants for improvements was the next feature. Upon that question there could be no doubt of the abstract equity of the proposition that every tenant who, *bonâ fide*, laid out his money in the improvement of the soil should receive compensation for that improvement by the occupation and enjoyment of such improvement; or, if that enjoyment was curtailed, and curtailed not by his own fault, but by the act and will of his landlord, that something should be done to compensate the tenant. On that point he wished it distinctly to be understood that his wish was to compensate the honest tenant for his outlay, and that he had no sympathy whatever with the absurd claims that had been put forward in Ireland by the tenant-right party. He should be glad to see some scheme proposed to effect the object of giving compensation for improvements; but he should oppose any system which did not give the landlord perfect security against unjust claims of dishonest tenants, at the same time that it secured to the honest tenant all his just demands. The improvements in land might be considered under two aspects—first, those improvements which now existed, and which might be called past improvements; and, secondly, those which might be hereafter made, and which might be called prospective improvements. From various causes the landlords of Ireland had been in the habit of letting land simply, and not farms. The English landlords, on the contrary, were accustomed to let land in good arable condition, fully fenced and gated, with buildings, outhouses, and every other convenience fit for the occupation of the tenant; and it being the habit in Ireland for the landlord to let land without any of those necessary adjuncts, the consequence was, that in a large portion of the country the tenants had erected the necessary buildings for themselves. It might be said that this was an outlay of money on a security which the tenants knew to be bad, and that they had no right to come now to this House to ask that they should be relieved from the consequences of their own carelessness. He did not, however, think that their Lordships would receive their complaints in this spirit, but would rather have regard to the peculiar concurrent circumstances which had in a manner forced a large class of the occupiers of the soil in Ireland to lay out their capital on defective titles. The apathy of the former race of landlords, the universal custom of the country, the absolute necessity of providing some buildings to carry on agricultural operations obliged tenants to take this course. And the actual condition of things resulting from it, now forms the main difficulty of the Irish landlord and tenant question. He hoped, therefore, if anything could be done to relieve this class of tenants, that their Lordships would grant such relief; but he must say that he would be the last man to advocate any measure which would in the least affect the rights of property. With respect to past improvements, therefore, he submitted that their Lordships ought to see, in a Select Committee, whether something could not be done, consistently with the rights of property, to relieve this large class of persons, who had, many of them, laid out their capital on bad titles. With regard to future improvements, he asked their Lordships to put an end to the causes which had brought about the present state of things, and to provide machinery to regulate the relationship between landlord and tenant for the future. The two Bills which he had to introduce to their Lordships, and the second reading of which he now moved, were almost the same as the two that were laid on their Lordships' table towards the end of the last Session, though they differed in some minor details. There was a third Bill which came up from the other House of Parliament at the same time, called the Tenants' Improvement Compensation Bill, by which it was originally intended to give compensation for improvements, whether past or future. The origin of the present unfortunate state of things in Ireland with respect to this question, was the fact that the tenants had been accustomed to invest their money in the improvement of the landlord's soil, without having sufficient security for it; and any measure which tended to perpetuate instead of putting a stop to that evil was very much to be regretted. The Leasing Powers Bill was intended to provide machinery for the execution of those improvements by the tenant, with the concurrence and consent of the landlord, which was the only true and equitable principle on which such improvements should be made. He did not think that House, which might be considered the special guardians of the rights of property, ever would consent to give compensation for retrospective improvements inconsistent with those rights. If it were possible to frame a measure which would give relief to those persons who had laid out their money in the way he had described, he should be willing to support it; but he could not see that it was possible to frame any measure which would generally give compensation for past improvements, and which would at the same time guard the rights of property. Mr. Sharman Crawford, a most valuable authority on this subject, had stated, in a letter which appeared in the public press a few days ago, that a Tenants' Compensation Bill was utterly useless without it was retrospective. If their Lordships were called on to make a sacrifice of their opinions for the purpose of consulting the wishes of any party on this subject, he would ask them to consider whether they were willing to make the compensation retrospective; because, if they were not, they would be merely "throwing pearls before swine," and encouraging an useless agitation on the subject. He thought he had a right to say, in reference to the Bills that had been introduced by the Government towards the end of the last Session, that neither the noble Duke opposite (the Duke of Newcastle) nor any subordinate member of the Government had given this subject a reasonable amount of consideration. There was, for instance, a clause originally in one of those Bills relating to the distraining of growing crops, which was afterwards struck out, while another clause, wholly dependent upon that and referring to it, was allowed to remain, which made the Bill perfect nonsense. But the extraordinary fact was, that the noble Duke had laid that Bill again upon the table with that blunder uncorrected, and still staring him in the face.

Moreover, it happened there were other clauses which were identical in force with certain clauses in a Bill for the reform of procedure at common law which had been introduced by the late Solicitor General for Ireland. That Bill, which was passed into law last Session, contained clauses identical with the enactments of the Landlord and Tenant Bill—and yet no Member of the Government had taken the trouble to strike them out of the latter, though it was obviously unnecessary to re-enact in 1854 what had already been enacted in 1853. He did not exactly understand why the noble Duke (the Duke of Newcastle) was so extremely anxious to pass these measures; because it was a curious thing that, when these Bills were introduced into the House of Commons last Session, the noble Duke's intimate Friends did not seem to express any particular approbation of them; indeed, the Solicitor General for Ireland was reported to have said that one of the Bills was rank nonsense; and another particular Friend, Mr. John Sadleir, described one of them as being a measure to which there could be no difficulty in saying, that the Irish Members would offer an honest opposition. In going through the Landlord and Tenant Bill, which he (the Earl of Donoughmore) proposed to submit to their Lordships' consideration, he should not particularly refer to those provisions in it which were merely a consolidation of the present law, but would simply point out the reforms which it would introduce and the points in which it differed from the Bill proposed by the noble Duke the Secretary for the Colonies. The third clause of his Bill made an important alteration in the law by enacting that the relation between landlord and tenant should in future be deemed to be founded upon contract expressed or implied, and not upon tenure or service; this, he believed, would be found a great improvement, as doing away with the great inconvenience which often arose from the complexity of the feudal law of tenure. The latter part of the clause, too, rendered the subsistence of a reversion no longer necessary to the existence of the relation, in order to enable the landlord to exercise the power of distraint and of ejectment under the Statute. The fifth clause enacted that, when the tenant held over after the expiration of his term, he should do so subject to the conditions of the original lease. The next clause related to the commencement of the term of holding, and enacted that, in the absence of proof to the contrary, the tenancy should be taken to have commenced on the 1st of November. Two clauses in the noble Duke's Bill, relating to the custom of conacre, had been omitted from his (the Earl of Donoughmore's) Bill, he was bound to admit that the Devon Commissioners were of opinion that the custom of Conacre should be tolerated, and that some arrangement should be made for its regulation; but he was happy to learn, on the authority of those best acquainted with the southern counties of Ireland, that this custom, so injurious to good agriculture, was now very much on the decline; and it was therefore not thought expedient to give it any legislative encouragement. The noble Duke's Bill contained a number of clauses providing for a registration of leasehold interests. These clauses were introduced for the purpose of providing machinery for carrying out the provisions of the Leasing Powers Bill, and also in connection with the Irish practice of notice in ejectments. In Ireland it was necessary to serve notice of ejectment, not only upon the lessee, but upon every one interested, however remotely, in the lease. It was thought advisable to restrict this, and it was accordingly provided in the Bill introduced last Session that no notices should be required to be given except to persons whose claims were registered. He (the Earl of Donoughmore) had, however, struck out the provisions with respect to the registration of leasehold interests, after consultation with a high legal authority, who was of opinion that it was not advisable to have another registry of leasehold interests, in addition to that already in force in the superior courts in Dublin; and also that, even if it were, the offices of the clerks of the peace were not suited to the purpose. He came next to the clauses relating to fixtures. The law on this point was, he believed, the same both in England and Ireland, and was admitted to be in a most anomalous condition. The original doctrine of the law on this point was, that whatever was attached by the tenant to the freehold during his term became a part of the freehold, and the property of the landlord. He would read a passage from one of the most esteemed works on the law of landlord and tenant, to show the opinion entertained by legal men on this subject:—

> "The general rule of law respecting fixtures, so far as the relation of landlord and tenant is concerned, is, that whatever is fixed to the freehold

becomes a part of it, and is subjected to the same rights of property as the land itself; and most of the difficulty which has arisen upon the subject will be found to have proceeded from the general rule having been preserved, though its acknowledged injurious effects have induced the courts to avoid it, whenever possible, by subtle and numerous distinctions. Thus the courts have affirmed that the exceptions from the rule have a different extent, in the different cases of landlord and tenant, executor of tenant for life or in tail and remainder, than in those of a reversioner, and executor of tenant in fee of the heir; and yet, the limits within which the privileges of these parties are respectively confined, are nowhere pointed out; neither have any satisfactory reasons been assigned by the courts for the distinctions thus laid down, from a consideration of which the rights of these several classes of individuals might be inferred. The intricacy, indeed, of the doctrine, and the uncertainty of the law upon almost every point that arises concerning fixtures, which necessarily must exist where each case is professedly decided according to its own particular circumstances, and where a general principle is held up only to be departed from, will justify the animadversion—that it is a reflection upon the jurisprudence of the country, that a rule of law, which is productive of so much inconvenience to the public, should have no better foundation than the motives of feudal policy."—[*Woodfall's Law of Landlord and Tenant*, book ii. ch. 4, p. 364.]

Further on he states:—

"The general rule as to annexations made by a tenant during the continuance of his term is the following:—Whenever he has affixed anything to the demised premises during his term, he can never again sever it without the consent of his landlord; the property, by being annexed to the land, immediately belongs to the freeholder, and the tenant, by making it a part of the freehold, is considered to abandon all future right to it, so that it would be waste in him to remove it afterwards; it therefore falls in with his term, and comes to the reversioner as part of the land. It should, however, on the outset, be remarked that a tenant may, in all cases, so construct any erections he may make that they shall not become affixed to the freehold; thus, if he erect even buildings—as barns, granaries, sheds, and mills—upon blocks, rollers, pattens, pillars, or plates, resting on brickwork, they may be removed; for, unless they be affixed to the freehold by being let into it, or are, by means of nails, mortar, or the like, united to it, they remain merely movable chattels."—[*Ibid.* p. 465.]

Various exceptions to this rule had, however, been made, but much more frequently and liberally in favour of fixtures erected for purposes of trade than in favour of agriculture. If an agricultural tenant put a whole set of buildings on his farm without the assistance of his landlord, and not at all in pursuance of any covenants in his lease, he has no right or power to remove them at the expiration of his term. By the Roman law tenants were entitled to receive compensation from their landlords for improvements which they might have made upon their farms. The foreign law, too, the law of France, of Sardinia, of Naples, of Holland, of Prussia, but particularly that of Austria, gave more or less compensation to the tenant for the value of the fixtures he might erect upon his holding; the law of England alone gave him none. Now, he certainly could conceive nothing better adapted to stop agricultural improvement in Ireland than the present state of the law upon this subject. Mr. Pusey, who was much respected by English agriculturists, and who had for many years laboured to obtain a reform in the law of landlord and tenant, had introduced several Bills, the provisions of which were nearly identical with those which he had now the honour of proposing. In 1849 there was a Committee upon agricultural customs, which reported strongly in favour of an alteration in the law on this point. He would read the two last paragraphs of their Report:—

"17. That the law, with respect to things affixed to the freehold, is different and more beneficial, as regards those annexations made for the purposes of trade, than those made for the purposes of agriculture, an outgoing tenant being permitted in many cases to remove the former when erected by himself, but not the latter.

"18. That this distinction does not appear to be supported by any sound reason, and your Committee are of opinion that the tenant's privilege of removal with respect to fixtures set up for trading purposes, should be extended to those erected for agricultural objects."

These were English authorities; he would only trouble their Lordships by referring to one Irish one. Mr. Hancock, formerly Professor of Political Economy at Trinity College, Dublin, a gentleman remarkable for his great attainments, and an original and powerful thinker, in commenting upon the difference in the law as it related to fixtures erected for trading, and those for agricultural purposes, asked,

"Can anything be more unscientific than the established distinction between agricultural and trade fixtures—as if the freedom of removal necessary and beneficial in the latter cases must not be equally so in the former? Can anything be more impolitic than to leave the law in its present unsatisfactory and complicated state, when the Judges are driven to the special facts of each particular case, instead of having a broad general principle to guide them in their decisions?"—[*Economic Causes of Present State of Agriculture in Ireland*, part iii. p. 9.]

The object of the clause which he proposed to introduce was to remedy this defective state of the law. Its principle was, that when an agricultural tenant erected on his farm at his own cost, and not in consequence of any agreement to that effect in his lease with his landlord, fixtures of any description, they should be deemed the property of the tenant, and should be removable by him—unless the landlord elected to purchase them—during the continuance of the tenancy, and for a period of two months after its termination. There was then a proviso, that the landlord should have the power to buy the fixtures, their value to be settled by arbitrators. There was no question of compensation involved in this clause—there was no compulsion on either side; it merely declared that what a man put up with his own money and his own labour should be his own property; it was impossible to say that such a provision would at all interfere with the rights of property; if he thought that it would, he should be the last man to bring it forward. The next point to which he should call their attention was Clause 55, with reference to distress. The law of distress in Ireland was not at present in a very satisfactory state. Some persons thought it would be best to abolish it altogether; but the Devon Commission had reported, and he agreed with them, that it would be impossible in the present state of Ireland to do without the power of distress in some form or other. It was, therefore, desirable to reform the law as it stood. The first reform which he intended to propose was, that the distress should not be for more than one year's rent; and the second, that no distress should be made without an affidavit that the rent claimed was due, being sworn before a magistrate, either by the landlord or his recognised agent, as the foundation for the warrant. By this means it was hoped that a check would be put upon the improper issue of distresses by the lower class of landlords in Ireland. With respect to replevin, it was proposed to abolish that altogether, and to give to the sheriff or sub-sheriff a kind of equitable discretion to decide the only real question at issue, namely, whether rent was due or not. It was objected to this clause last year that the sub-sheriffs in Ireland were not generally a set of men to whom these great powers could be safely confided. He believed, however, that they were most respectable men; and when it was considered that they gave very heavy securities, he thought there could be no doubt that they would be sufficiently independent judges to decide the matters of fact which would be submitted to them. The 91st clause of the Bill was directed to the facilitation of proceedings in courts of law. At present no civil Bill could be verified in the assistant-barrister's court without the actual presence of the party preferring it. This was often productive of great inconvenience, and it was now proposed to allow the Bill to be verified at any place. He next came to a series of clauses referring to cottier tenancy. The miserable hovels in which the poor of Ireland dwelt had long been made a reproach to the country, both by the English and foreigners who visited it, and none could doubt the propriety of doing something, if it were possible, to remedy the evil. It was proposed by this Bill, that every cottier tenant, that was, every person who held a house with land not exceeding half an acre, and for a rent not exceeding 7*l.* per annum, without any lease or agreement in writing specifying the term or period of tenancy, should, if the tenant and landlord thought proper, hold by a monthly tenancy to be determined by a month's notice by either party; and also that the obligation of keeping the building in tenantable condition and repair should be imposed upon the landlord. The remaining clauses of the Bill referred to matters of a dry legal nature with which he would not trouble their Lordships. The other Bill which he asked the House to read a second time was the Leasing Powers Bill, the object of which was to carry into effect a suggestion of the Devon Commission, that it would be desirable to extend the leasing powers of tenants for lives, and of Boards and Corporations, whose powers were now restricted. The effect of the Bill was to give a general statutory power of leasing; not so much with a view to increase the leasing powers which tenants for life might have under their settlements, as to give the tenant a general statute on which he might rely for security, instead of having to depend upon the particular private rights of the settlements of the landlord under whom he might take his lease. He would mention a case, to show their Lordships the evils that might arise under the present system. A gentleman in the neighbourhood of Limerick had leased some unprofitable land to a person who laid out a very considerable sum of money in its improvement. When it was taken by the tenant it was not worth 60*l.* a year, and it was sworn in evidence that its value was increased by the tenant to 500*l.* or 600*l.* a year. The original lessor died, and his successor discovered an objectionable point in the lease, which caused him to bring an action of ejectment against the tenant; and the end of the lawsuit was this, that the jury could not agree as to whether the lease was good or bad, but the counsel of the defendant, fearing that his client's interests would be injured by further litigation, proposed to the jury to say how much the defendant should pay to the plaintiff for confirming the lease; and the unfortunate man, who had laid out 5,000*l.* on the property, was obliged to pay 1,500*l.* to get the lease confirmed by the successor of the original landlord. He did not say that many cases like that occurred; but it was impossible to estimate the amount of discouragement they occasioned among those classes who would be inclined to invest capital in leasehold property, and they prove the necessity of a general statute that would be a security for the tenant. If that security were given, there was no doubt that there was an enormous amount of capital in Ireland that would be laid out upon land. There was no greater fallacy than to suppose that the evils of Ireland arose from the want of capital. This might be considered by some of their Lordships to be a startling assertion; but Mr. Hancock, having given a great deal of consideration to the subject, had proved that, so far from Ireland wanting capital, they had more capital in Ireland than they knew what to do with. He stated that the amount of money imported into England from Ireland and invested in the public funds, from 1840 to 1849 inclusive, was at the rate of 800,000*l.* a year. That showed that there was 800,000*l.* saved annually in Ireland, for which the inhabitants could not obtain so advantageous an investment as the English funds. But when the Encumbered Estates Court came into operation, and a Parliamentary title was offered to purchasers of land, the current turned in an opposite direction, and the importation of money to Ireland from England had been at the rate of 600,000*l.* a year. It was manifest, therefore, that, by giving a Parliamentary title, a vast amount of idle capital had been attracted to the purchase of land. Give the tenants security, and they will invest their capital in its improvement. He knew he should be met by noble and learned Lords with the observation that this Bill would abrogate existing rights, and interfere with existing settlements, and that it increased the powers which persons had conferred upon one another by solemn engagements between themselves; but in answer, he could say that, whenever it had been shown that public policy required that private rights should be interfered with, Parliament had never any hesitation in interfering with them. Every day houses and lands were taken, and handed over to railway companies; there were numberless other instances where private rights were interfered with, on grounds of public policy. Such interference had taken place in Ireland itself long before the Union. In Ireland, by the Act of 8 *Geo.* I., persons with limited estates were empowered to make leases of mines for thirty-one years, although their settlements might prohibit them from doing it. That power was extended by the 15 *Geo.* II. and by the 1 *Geo.* III.; so that, so far as the principle was concerned, of over-riding settlements by a general public measure, it had been done whenever it was found necessary for the public interest. There never was a case more strongly illustrative of this principle than the Scotch Act, commonly called the Montgomery Act. The 10 *Geo.* III. expressly recited an Act of the Scottish Parliament in 1685, which declared positively that the entails made after that Act, and in accordance with its provisions, should be for ever indisputable; and yet the Act of *Geo.* III. enacted that, for reasons of public policy, certain parts of the Tailzies Act should be repealed, and that the owners of lands entailed should have the power to make leases for a life or fourteen years, or for two lives or thirty-one years. That system had worked so well that it was followed up by two Acts of Parliament in the present reign; and he appealed to the noble Lords who were connected with Scotland whether it had not been found that the change in the law of entail had been most beneficial. This Bill simply proposed to increase to a certain extent the powers of the tenant for life, but the interests of the successor would be sufficiently secured; and he was sure that the change, as in the case of Scotland, would lead to a very great improvement. He had struck out of this Bill a clause which was contained in that of the noble Duke, giving the power to make leases to incumbrancers in possession. It scarcely ever occurred in Ireland that a mortgagee entered into possession. In Ireland a petition was presented to the Court of Chancery, and a receiver was appointed. The clause would, therefore, be inoperative, and he thought it better to strike it out. The second part of the Bill was the machinery to be used for the purpose of ensuring compensation to the tenants. It was proposed that compensation should be given whenever improvements were made upon the mutual agreement of the landlord and tenant; and he did not apprehend that any of their Lordships would object to a reasonable measure of that kind. These were the chief provisions of the second Bill. He believed that, if those two Bills should pass their Lordships' House, and should be approved of by the House of Commons, they would confer a very great benefit on the agricultural interest of Ireland. He might be told that there was no necessity for legislation on the subject—that they were getting on very well without it; but in answer to that he would remind their Lordships that every public man in every Government and in every Opposition had for the last seven or eight years admitted that such a measure was required. It had been admitted by the noble Duke opposite (the Duke of Newcastle), and by the noble Earl behind him (the Earl of Derby). He thought a proper opportunity had arrived for settling the question without injury to the rights of property, and he trusted that opportunity would not be lost. He had heard another objection to the measure, to which he would refer. Noble Lords connected with England thought that, because they were going to introduce a reform of the system of landlord and tenant in Ireland, they were also going to alter the system in England. He was an adherent to the old Conservative doctrine that they ought to reform only where reform was proved to be necessary, and not merely for the sake of change; but in Ireland it was admitted that reform had long been required, and every evidence which could bear upon the relation of landlord and tenant in that country had been collected with foresight and prudence, and tended to confirm that opinion, while in England no reform was at present required. There was not, however, a single provision in these two Bills which he did not believe to be just and equitable, and which, if the state of circumstances in England should require reform, he should not be perfectly ready to advocate for the one country as well as for the other. He must now apologise to their Lordships for the very long time he had occupied in his statement and for having brought forward such an important subject, when many of their Lordships were so much better able to deal with it than himself; but his principal ground for bringing the subject under their Lordships' notice was that he had for some years been in the habit of attending personally to the management of his landed property in Ireland, and, in every endeavour that he had made to improve his estate and the condition of those who occupied it, and of the agricultural population, he had discovered from experience the faulty state of the present law, and therefore earnestly desired that a just and fair reform should take place.

Moved—That the Leasing Powers (Ireland) Bill, and the Landlord and Tenant (Ireland) Bill, be now read 2ª.

LORD MONTEAGLE said, that the Bills were introduced at such a late period of the last Session that it was utterly impossible for their Lordships to give that time to them which the subject required. He had urged against the principle contained in the Bills many objections, and at the general wish of their Lordships, they were postponed, for the purpose of being again introduced this year. This was the general feeling of the House, and, therefore, he would not now raise any objection to the Bills being read a second time, and referred to a Select Committee. So far as that went, it was making no concession; it took up matters as they were left in the last Session, and only affirmed that the law of landlord and tenant in Ireland was a fitting subject for Parliamentary consideration; but he could not acquiesce, even formally, in the second reading of those Bills, without calling their Lordships' attention to some of the principles which they involved, and against which he would now take the liberty of protesting. He felt convinced that those Bills could not be submitted to the calm and dispassionate examination of a Committee up-stairs, without calling forth many objections, aided, as he hoped that Committee would be, by the professional knowledge and ability of the legal members of their Lordships' House, without which such Committee would be insufficient for the purpose of pursuing the inquiry. He must make an exception, moreover, in favour of the noble Lord who had just spoken. Though not a professional man, his noble Friend had, by the clearness of his explanation, and the precision with which he had gone through details of these very complicated measures, done as much as a non-professional Peer could well do to recommend measures in themselves objectionable to the favour of their Lordships. He (Lord Monteagle) would be the last person to look with disfavour on these Bills, in reference to the right hon. Gentleman (Mr. Napier), from whom they mainly proceeded, for, although he differed, and would show grounds for differing, with him on some of their provisions, he must render his humble tribute of praise to Mr. Napier, for his disinterested zeal, public spirit, and ability, and for the labour he had bestowed upon a subject one of the most difficult and embarrassing that could be undertaken. Still he felt bound to object to some of the provisions contained in those Bills, and to invite the consideration of noble Lords to certain strange and unexampled propositions which those Bills contained. The noble Earl had said that those Bills were introduced for Ireland, because in Ireland special evils were admitted to exist, for which he considered a special remedy ought to be found; while in England, the noble Earl said, no such evils existed, and no such remedy was required; but facts to which his noble Friend himself had adverted contradicted that statement. The relation between landlord and tenant had been made the matter of investigation in England, and attention had been called to it in both Houses of Parliament almost as frequently as in Ireland, although there was no out-of-door agitation, as there was in Ireland. The noble Earl had referred to Mr. Pusey's Bill, and he would recall to their Lordships' recollection how completely—although prepared by a man of the highest possible ability to deal with the subject, and recommended by one whose character and acquirements gave him a particular right to address their Lordships on the subject —he referred to Lord Portman—how completely that Bill had been demolished in the course of half an hour's discussion, and how resolutely and unanimously their Lordships felt it to be their duty to reject it. In Ireland they had been doing nothing since the reign of George III. up to the present moment, but passing Bills of this description. Sixty Bills had been passed, with the object of regulating the relations between landlord and tenant in Ireland, and the result was the mischief and expense well described by the noble Earl. The noble Earl was an improving landed proprietor, but he admitted that, in many instances, his good wishes for his tenantry, and his desire to improve their condition, had been impeded by the network of legislation with which Parliament had surrounded him. The noble Earl might look upon the present Bills with parental affection, and might think, that, although all parties had hitherto failed in dealing with the subject, he and his learned Colleague in the other House might succeed. He (Lord Monteagle), however, thought the difficulty was one of principle; he believed that every attempt that had been, or could be, made to devise legislative contracts between parties who stood in the relation of buyers and sellers would be infinitely more prejudicial to their real interests than if Parliament left them perfectly free and unfettered to make their contracts as they thought proper between themselves. He would appeal to those of their Lordships who had property in various parts of England, whether it would be possible to introduce any measure regulating the covenants between landlord and tenant which, if applicable to Northumberland, would be applicable also to Dorset or to Sussex? There were customary relations which had sprung up between landlords and tenants, which were accommodated to the peculiarities of place and condition, which would be inapplicable and mischievous if established in another part of the country; for instance, the customary relations which existed in a grazing county would be absolutely mischievous in a county of another description of husbandry. His noble Friend (the Earl of Donoughmore) had referred to the question of contract. His noble Friend the Lord Chief Justice had called attention a few days before to the difference between a contract made obligatory by law and one left to be arranged between party and party; this last was the principle which he (Lord Monteagle) wanted to maintain, and he would proceed to show their Lordships that it was superseded by these Bills. His noble Friend said truly that the provisions of the Bill were not applicable to England, but the principle of the Bill, if it were defensible, was surely as applicable to one side of the Channel as to the other; but England would never submit to a measure in which the rights of property were so absolutely sacrificed and trampled under foot as they were by certain parts of the Bills now before their Lordships. He was not, indeed, prepared to say that he would not, under any circumstances, legislate on the subject of landlord and tenant; he was ready to legislate where it was shown to be necessary to do so; but he would not legislate in the manner in which it was now proposed to proceed. He would deal with all the Bills relating to the subject as a whole, and, although his noble Friend did not bring in the Bill relating to compensation to tenants, they had it on the table recommended by the Government. He would advert not only to the principle contained in the Bills introduced by the noble Earl, but would refer also to the principle contained in the Bills which had been introduced by the noble Duke (the Duke of Newcastle). He would first show the gross injustice of its *ex post facto* operation. Suppose a man was a purchaser under the Encumbered Estates Act in Ireland, who, on making his purchase, was told that the land was in good order, that the farmhouses were in good repair, and the fences good, and that, consequently, independent of the value of the ordinary land income, the property was worth 2,000*l.* or 3,000*l.* additional, created by these improvements. He purchased the property, and paid the money to the owner of the estate. He got a Parliamentary title, it was said, against the world—but this Bill would teach him that he got no Parliamentary title against Parliament itself. For what would this Bill effect? Parliament would step in and tell the purchaser, who had paid his 3,000*l.* additional in consideration of all these improvements, that by an *ex post facto* law he was compelled to pay 3,000*l.* additional to somebody else for the very improvements which he had already paid for. He would be compelled to pay this additional sum, not in virtue of a contract of his own, or engagement of his own, but by virtue of an Act of Parliament subsequently passed, and which says that this injustice must be so. Was the proposition sustainable according to right or reason, that a man who had already paid a price for that estate should be afterwards taxed by an Act of Parliament of which he could have had no anticipation, and be then obliged to pay twice over for the same thing? The noble Earl would say that was not contained in his Bill—it was the Bill of the noble Duke. But he would refer to his noble Friend's Bill, and give an illustration of what injustice it would produce. He would refer to the fixture clause, to which his noble Friend had adverted. Amongst other matters that were made tenants' fixtures were all walls, whether of brick or stone, that might be built by the tenant on the estate. At the present moment a wall was a landlord's property, and not a tenant's movable, in Ireland; but if the noble Earl's Bill should pass, the "wall" would turn out to be "moonshine." Nothing had been more common in ancient times under a ruder system of agriculture than now prevailed, than the division of lands by enormous banks of earth, whereby a great quantity of the land was wasted, and there was also a waste of soil which was contained in the earth rolled up for centuries in those immense embankments. Consequently, in more recent times, the tenants, as a matter of personal grace and favour, had frequently obtained leave from their landlords to break up these great embankments, and spread the earth over the land by way of manure or top-dressing, on condition of their supplying the place of the embankments by walls or fences, which occupied but a small space. These walls were fixtures on the land, but it was proposed that those walls should now be converted into the property of the tenant, who might take them down or compel the landlord to buy them. The tenant, when his lease expired, might prostrate every wall and fence, and deliver the land up in the condition of a common, unless he was paid by the landlord what he claimed as the value of the change he had made. It was also proposed to make the state of repair of a cottage the condition on which it should be open to the landlord to recover possession of the tenement. Was there ever such a proposition? They were to reserve to the landlord the power to recover the land if the contract between him and the tenant were not kept; but his power of recovering his rent was made dependent upon the state of repair of the house, although it was known that the condition of the repair of the house must depend on the care of the tenant himself. A storm might blow down the chimney, or some mischief might occur, but wilful damage might also be done by the tenant; even in the latter case the state of repair of the cottage was to be made a condition to bar the landlord from recovering his rent. He thought their Lordships would see that this provision would introduce something of novelty and more of litigation into the law of landlord and tenant. The noble Earl had anticipated, to a certain extent, one of the objections that would necessarily be raised by those who felt the danger of this measure. That difficulty was conclusive, and he (Lord Monteagle) should urge it notwithstanding the answer by anticipation that had been received. It was a most consolatory fact, that out of the enormous evils and the miseries through which Ireland had gone she was now in a progressive state of, he hoped, real and substantial improvement. Proprietors were now, in almost every part of Ireland, passing from a bad system of managing landed estates into a better, a more improved, more generous, and more satisfactory mode of dealing with their tenants. If that were the case, he called upon their Lordships to hesitate before they passed a measure, the tendency of which was to interfere with all the natural and progressive and safe reformations which were going on. It was impossible to legislate on evidence solely applicable to the past. Let them not think of making the Devon Report the foundation for their present legislation. They might as well take the foundation for legislation on the subject from the Doomsday Book. At time of the Devon Report they had a system of miserable cottier tenants, and, whatever was the disposition or generosity of the landlords, it was impossible at that time to put their estates in a condition which would enable them to look at them with comfort and satisfaction; but that system had to a great extent passed away. They were told that there was a necessity for interference, owing to the state of the population; but the state of the population was now no longer what it was. The Report of the Devon Commissioners stated that, in 1841, the number of holdings under five acres was 310,000; at present it was only 88,000. The third Report of the Commissioners on the Irish poor stated that, out of 1,100,000 agricultural labourers in Ireland, there were about 550,000 who were, generally speaking, thirty weeks in the year out of employment. Their Lordships knew that a very different state of things now prevailed in Ireland. In ten years the population had been reduced to the extent of one million and a half. A new race of tenantry was arising. Did they think that a Scotch agriculturist from the Lothians, settling in Mayo or Galway, investing his capital and endeavouring to found a new family in that country, would choose to be hampered by clauses and provisions of the kind contained in this Bill? No, he would wish to be left free to make such contracts as his view of his own interest would dictate. Why assume, as the Bill did, thirty-one years, or any other onger period, as the proper term of a lease? It might be said that leases of thirty-one years were better than leases of nineteen or twenty-one years, and that might be so; but that was no reason why the parties concerned should not be left to enter into such leases if they thought proper, without any interference by legislation. In the whole history of legislation there was scarcely any example of violation of principle like that presented by the Bills before the House. He would not, however, object to these measures going before a Committee upstairs, because he believed that all injurious obstacles to the application of capital to land ought to be removed, leaving all contracts between landlord and tenant perfectly free, but giving the easiest, simplest method of enforcing those contracts to both parties. This he believed was the principle on which all commercial arrangements for the purchase and sale, as well as for the occupation of land, ought to be based. This subject had been considered by that very useful body the Society for the Promotion of Law Reform, who recommended that if there was a covenant which was thought better than another, it should be made known by the Legislature to the parties, and even made binding in default of other agreements, but that it should be made optional with them to adopt that covenant or not, as they saw fit. To this suggestion he (Lord Monteagle) saw no objection; but that was very different from the principle of the Bill. He hoped, when these Bills went before the Select Committee, that the noble and learned Lords in that House who had professional experience on such subjects would not refuse to lend their able and indispensable assistance in examining their various provisions, and rendering our proposed legislation wise and effectual.

The Duke of NEWCASTLE: My Lords, I should certainly regret if any other course were to be taken with regard to the Bills now before us than that which my noble Friend (Lord Monteagle) proposes. I am sure that all your Lordships join with me in regretting the absence of my noble Friend (the Marquess of Clanricarde), not only because we have not the advantage of his assistance in this debate, but from the lamentable cause which prevents his attendance this evening. I therefore wish all these Bills to be referred to a Select Committee, in order that they may be made the subject of the same inquiry. I rejoice that my noble Friend

(Lord Monteagle) has expressed his willingness that they should be so referred, although I am not quite certain that if I could feel the strong objections to the principles of the measure which he has stated I would follow the course which he is now about to adopt. I concur, undoubtedly, in much that has fallen from my noble Friend as regards the principle of legislation in connection with the law of landlord and tenant. I entirely agree with the general principle which he laid down, that all these contracts relating to the hiring and the letting of land resolve themselves into the category of ordinary commercial transactions, and are much better left as far as possible to be decided between the two contracting parties. But when my noble Friend draws a picture of a Scotch tenant from the Lothians going into the county of Mayo or Galway, and taking land there, and states the impression that he would be greatly deterred from taking land by the provisions of one of these Bills, supposing them to become law, I must remind my noble Friend of the position that the Lothian farmer would stand in if he went to Ireland at the present moment. Does he find his relation with his landlord a simple matter of contract and bargain between him and the landlord from whom he is about to take the land? By no means. The principle has been violated for centuries, and there are on the Statute-book at this moment upwards of 200 statutes legislating for landlord and tenant, all affecting the question of contract more or less directly, and infringing that principle which, in the abstract, I entirely agree with my noble Friend is right. I say then that we are not now in a position to discuss whether any legislation is right or wrong, but whether we cannot amend the legislation which already exists. My noble Friend objects to legislation on the subject of leasing powers with regard to the period for which leases should be granted, and thinks it wrong to lay down as a general rule that the landlord may, under certain circumstances, give a lease of thirty-one years to the tenant. Why, the Bills of the noble Earl (the Earl of Donoughmore), and the Bills which came up from the House of Commons last year, are not dealing *de novo* with this subject. The law of Ireland regarding leases is in a most anomalous and ridiculous position—in so absurd a position that one class of landlords may give leases of two or three years, and another class of landlords, under precisely similar circumstances, except that their title is different, may give leases of a much longer duration. I think that every species of dignitary in the Church is now enabled to grant leases of varying durations; and, in fact, the law of Ireland at this moment is not only in the most ridiculous, but in a most inconvenient and prejudicial condition. Now the noble Earl opposite (the Earl of Donoughmore) has certainly saved me from the necessity of troubling your Lordships with any lengthened observations on this occasion. I took the liberty of trespassing at some length on your Lordships' attention, on the second reading of these Bills, when they came up from the House of Commons last Session, after the most careful deliberation in that House. I then stated the nature of the Bills to the best of my ability; but certainly, if I was not sufficiently sensible of the inadequacy of my explanation on that occasion, I am more sensible of it now, after the speech of the noble Earl, who has to-night supplied the deficiency in my explanation; but as a great portion of his observations apply to the provisions both of the Bills which he has himself introduced and of the Bills which came up from the House of Commons last year, and which I have reintroduced on this occasion, it is quite unnecessary for me to go over the ground again. The noble Earl, however, must not suppose that, because I have introduced two of these Bills in the same form as they came up from the House of Commons, I therefore consider any alterations in his Bills otherwise than as amendments. I have brought them in as they stand simply because I considered, under the engagement into which we entered last Session, that that was the most convenient mode of fulfilling it; and if we are ever to arrive at a satisfactory conclusion on the subject, there is an advantage in starting in the Committee with the Bills in the same form as the House of Commons, after a careful deliberation of some months in a Select Committee, constituted of representatives of all parties, without distinction of politics, sent them up to your Lordships. I am not prepared to deny that some of the alterations made by the noble Earl are improvements. The noble Earl instanced a clause in one of the Bills which I introduced that he says he has omitted, namely, a clause giving power to the encumbrancer in possession to grant leases under certain circumstances; and I myself think it desirable that that clause should be omitted; and if I am able, in

Committee, I shall certainly vote against that clause. There is another clause which the noble Earl proposes to omit, to which I cannot so entirely assent. He proposes to introduce into his Bill a clause that was rejected by the Committee of the House of Commons after very mature consideration, namely, the revival of the power of distraint over growing crops. I think that the other House came to a right decision in leaving out that clause. The law in Ireland gave the power of distraint over growing crops up to the year 1846; but in that year it was repealed by a Bill which I myself introduced into the other House, being then Secretary for Ireland. My Lords, I believe that, if it was right to repeal that measure, it would be wrong to re-enact it now. I felt at the time that the Bill was introduced, in 1846, that this repeal would be not unattended with inconvenient consequences to the landlord; but it was after deliberate examination of the question, and after the inquiry it underwent before the Devon Commission, and the unanimous opinion of the five Commissioners that this alteration should be made, that I introduced the measure to which I have referred. If I felt then that there were objections to this repeal, those objections are removed now. I rejoice, in the altered condition of Ireland, that the power is no longer continued; and I should witness with regret the introduction of a provision which I cannot help thinking would be attended with much heart-burning and great discontent. It is unnecessary for me to go into the discussion of two of the Bills of the noble Earl, which are so very similar to those that came up from the other House last year, and which I have reintroduced on this occasion. The noble Earl has stated the reasons which induced him not to introduce the third Bill —the Tenants' Improvement Compensation Bill. He stated, and stated correctly, that, as regards prospective compensation, there are provisions in the Bills which he has introduced, and that he believes these provisions will be satisfactory and sufficient for that purpose. I am not quite certain that I can quite agree with him in this respect; but at any rate the noble Earl does admit the principle of compensation for future improvements. Now, my Lords, I cannot think that it would be so simple a matter to omit altogether from our legislation all compensation of a retrospective character; and I believe the noble Earl himself indicated that he had considerable misgivings on this point when he said—and repeated it several times—that if these Bills went to a Committee, he, for one, would rejoice if a plan were devised which would give to the tenants that compensation to which he felt they had an equitable claim. I entirely participate in that feeling, and believe that, as regards the law, in Ireland especially, you will not be able to pass a satisfactory measure on that question without in some way or other touching the question of retrospective compensation. I anticipate that, when the Bills come to be considered in Committee, much information will be elicited; and if my noble and learned Friend beside me (Lord Campbell), and the noble and learned Lord the late Lord Chancellor of England (Lord St. Leonards), and who for five years, with great credit to himself, and satisfaction to Ireland, held the post of Lord Chancellor of Ireland—if such noble and learned Lords should consent to serve on the Committee, I do hope that this question may be finally set at rest. But we must not lose sight of this fact, that the position of the north of Ireland is very peculiar as respects the question of retrospective compensation; and if the noble Earl refuses to legislate altogether on this subject, he must not tell us that he proposes simply to give compensation for prospective improvements, but he must also exempt the tenants of Ulster from the operation of the measure. If this exemption is not made, a very great injury will be inflicted on those who have enjoyed, rightly or wrongly, by long custom, a privilege which they greatly value, and which, I believe, the landlords of that district are by no means desirous to deprive them of. The noble Earl said that the retrospective compensation clause was altered in the Committee of the House of Commons. It was so, certainly; but it was altered in the sense of a reduction of the interest of the tenant. The noble Earl said, and truly, that all the provisions affecting improvements made in the soil were entirely erased in the Committee, and that no provisions remained excepting those relating to permanent improvements made upon the soil, the principle no doubt being that which was felt in the course of the discussion, namely, that improvements on the soil, such as buildings and so forth, are visible and tangible; whereas other improvements, such as even that most important improvement of drainage, are invisible and extremely difficult to calculate, and ought not to be taken into account. The provision originally introduced into the House of Commons for retrospective compensation was based upon the two principles of the restriction of time and restriction of value—that was to say, that no compensation should be claimed by the tenant beyond a certain amount, and that it should vary in amount according to the anterior period at which the improvements had been effected. That principle was altered in Committee of the House of Commons before the Bill was passed in that House; and as the Bill now stands, it remains, at any rate, in a more simple form, namely, there is no restriction as to amount, and no restriction as to time; but it provides that for visible improvements made on the soil compensation shall be given by valuation, and that that valuation shall be made by a public authority, namely, the assistant barrister. My noble Friend (Lord Monteagle) has just now complained of the hardship to persons who, under the Encumbered Estates Act, have purchased property without any liability of this description being now exposed to claims for compensation, which they had no idea would be attached to the land they had bought. It is impossible to deny that there is some force in the objection of my noble Friend; but at any rate the objection is greatly restricted and the evil much mitigated by the 14th clause in this Bill, which provides that every claim for retrospective compensation must be made within twelve months after the passing of the Act, and registered accordingly; so that no claim subsequently to this twelve months can be preferred; and any litigation which may take place on such a subject must be limited to claims made within the first twelve months after the passing of the Act, and notice must be given by the tenant of his intention to claim any such compensation; and it will be within the power of the landlord to litigate the point with the tenant, if necessary; and when once the question is decided the claim cannot be renewed; so that the landlord will be at once made aware of the demand to which he will be subject. My Lords, I promised not to detain your Lordships long, and I wish to keep my word, and more especially, as I must again repeat, the noble Earl has left me little explanation to offer in regard to these Bills. I sincerely trust that your Lordships will refer the whole of the Bills, including the one proposed by my noble Friend behind me, who is connected with the north of Ireland, to a Select Committee, in order that persons representing all parts of that country may combine, and, if possible, come to the same conclusion, aye or no, on the question of compensation to tenants. As regards the other two Bills, they are more consolidations of the law than new enactments; and I cannot but believe that, under the superintendence of the noble and learned Lords, they will be made sufficient for their purpose, and invaluable to Ireland; and I only hope that an earnest endeavour will be made by all parties to devise the means by which compensation for retrospective improvements can be given to the tenant consistently with the principles and the rights of property, which I can assure your Lordships I am as anxious as any one amongst you to maintain, not merely in this country, but also in Ireland.

Lord CAMPBELL said, that, having been appealed to in the course of the discussion, he would make a few observations; but they should be very few, because he felt that it was in Committee that the law Lords could render real service in regard to these Bills. No one felt more than he did the great importance of the object they had to attain by the legislation which was now proposed to them. That object was not only the improvement of agriculture in Ireland, but it was still more—it was to cultivate harmony between the landlords and tenants of Ireland. Both those great objects should be always kept in view, when considering such legislative measures. These Bills had come before their Lordships with the highest recommendations. He had no doubt that Mr. Sharman Crawford was well qualified in every respect to form a judgment upon the subject, and he knew that his learned Friend, Serjeant Shee, had been most sincerely desirous to benefit his country, and to respect the rights of all who were interested in it. He need not say that anything which his right hon. and learned Friend (Mr. Napier), who was an honour to his profession, and who was possessed of the most splendid talents, recommended, was entitled to the most respectful attention. The subjects of the Bills which were before their Lordships might be classified under three heads—the first, the subject of the powers of leasing; the second, the general relations of landlord and tenant; and the third, compensation for improvements. With regard to the power of leasing, he had no hesitation at all in assenting to the principle of that measure. He believed that it might be done with perfect safety, and that the rights of all parties claiming under settlement would be amply protected, while great benefit might accrue by giving the immediate landlord power to grant leases at properly ascertained rents, so as not to prejudice the rights of individuals under the settlement. The soil of Scotland had been converted from barren moors into one of the richest countries in Europe by a system of long leases, and the power to lease for nineteen or twenty-one years had been given to persons having partial interests in the land; and he believed that, if a similar system were introduced into Ireland, it would effect as good a result there as it had done in Scotland. Everything should be done to encourage the practice of leasing in Ireland, because where leases existed, there were always written contracts, in which the rights of the parties were defined, to which parties might always refer, and by which disputes might be adjusted. With regard to the Bill for the amendment of the law of landlord and tenant, he thought it a most legitimate subject for legislation. It would, no doubt, be a great improvement in the law of Ireland. Its first effect would be to sweep away no less than 150 Acts of Parliament which had been passed on the subject. They would be beginning *de novo*, and they would have a *tabula rasa*, so that they would be able to see what enactments were proper to be introduced. He highly approved of the attempt to do away with the distinctions which were now made by the common law respecting fixtures erected by the tenant for agriculture and for manufactures. A farmer was a manufacturer of wheat, barley, and oats, and of beef, mutton, and pork, and if he had occasion to build houses for carrying on his trade, he ought to have the same liberty of removing them as the cotton spinners had. He believed the principle of the Bill was sound, and he should most readily concur in endeavouring to improve it. But when he came to the third Bill, which the noble Earl (the Earl of Donoughmore) had said he had not the courage to bring forward, but which the noble Duke appeared to advocate, he (Lord Campbell) thought it would neither promote agricultural improvement, nor add to the prosperity of Ireland, and much less would it tend to cultivate harmony between landlord and tenant. He had no personal motive in speaking on the subject. It was true he had the honour of being an Irish proprietor, but he had never had, nor was likely to have, any dispute with his tenants. He believed the noble Duke would hardly have the courage to say that a retrospective clause did not intrench upon the rights of property. A person might have bought land under the Encumbered Estates Act, with a Parliamentary title, and with no claim upon it which was not set out in the conveyance; but here they proposed to give the tenant a claim against the proprietor for any improvements he might have made. The noble Duke said, the evil was mitigated by limiting the power of the tenant to make the claim as to time; but still that would not remove the objection to the principle. He (Lord Campbell) thought that the effect of granting compensation for retrospective improvements would probably be to drive capital away from Ireland, instead of attracting it to that country. The noble Earl who opened the discussion thought prospective improvements were not so objectionable; but these improvements also seemed to him (Lord Campbell) to be the fit subject of contract, and not of legislation. If a power of leasing were given, whether for one year, for seven years, or for twenty-one years, why should not the terms of the contract be reduced to writing, and the conditions on which the tenant held the land be put down in black and white? If that were done, what necessity would there be for this legislation? The proposed clause, if enacted into a law, would either intrench upon the rights of property, or it would be an absurdity. Wherever there was a lease existing, although the tenant might send a notice to his landlord that he wished to make a certain improvement, and the landlord might not choose to make it, still, if the lease, whether by deed, or by simple contract, gave the tenant the right of improvement, he might make that improvement, and claim compensation for it. But, if the lease did not confer any such right on the tenant, then an Act of Parliament which interposed between the landlord and the tenant, and said that the tenant should be at liberty to make such improvement, and claim compensation from the landlord for it, was unquestionably an intrenchment on the rights of property. But if, on the other hand, there were no lease existing, which, he was sorry to say, was generally the case in Ireland, then such a-retrospective law would be an absurdity, because, in that case, the tenant would only be a tenant-at-will, and if he should give his landlord notice of his intention to make certain improvements, and the landlord should object, the landlord would only have to say to the tenant, "You are but a tenant-at-will, and I give you notice to quit." The Bill, therefore, as it stood, would be wholly nugatory, because either the landlord would give the tenant notice to quit, or he would require the tenant to enter into a written agreement which should exclude him from giving any notice for improvements. He thought the Government had done well in allowing the introduction of these Bills; and, as it appeared to be the unanimous opinion of their Lordships that the Bills should be read a second time and referred to a Select Committee, he should give the Motion his concurrence.

THE EARL OF CLANCARTY: My Lords, inasmuch as it is proposed that the Bills now before the House should be referred to a Committee upstairs, and that, in giving them a second reading, the House is not to be taken as implying an approval of their provisions, but only as complying with a necessary preliminary to the full consideration elsewhere of the important subject to which they relate, I shall not detain your Lordships by many observations upon them. I cordially join with the noble Duke opposite in hoping that the result of the labours of the Committee may be a consolidation and improvement of the laws relating to landlord and tenant in Ireland, that may be approved of by the House, and be productive of permanent advantage to the country, and I look with the more confidence to this, as the noble Duke towards the conclusion of his speech appeared to confine his expectations to the provisions contained in the Leasing Powers Bill and the Landlord and Tenant Bill. The noble Duke, though speaking generally with approbation of alterations in the latter Bill, introduced since it was last before Parliament by my noble Friend who moved the second reading, is opposed to one of those alterations which to me appears to be of great value, I mean the restoration of the power of distraining growing crops. It is true that, on the recommendation of the Devon Commission, that power was taken away. It was liable to abuse, and probably had been abused, but the taking of it away has been productive of an evil no less requiring to be provided against. The abuse of the power on the part of a landlord consisted in either the sale of the tenant's crop before it was fit for cutting, or the subjecting him to the cost of having keepers put over it until ripe. The abuse on the part of the tenant is that, in order to defraud the landlord of the security for his rent, the crop is sometimes cut and carried away on Sundays beyond the landlord's reach. Now the Bill of my noble Friend, as now amended, while restoring the power of seizing growing crops, restrains the landlord from cutting them before they are fully ripe, and restricts the costs of keepers as against the tenant to fourteen days. The Bill further guards against any possible abuse of the power of distress by requiring affidavit to be sworn in every case of the sum claimed as due, and, by restricting the power of distress to the two last gales of rent, is well calculated to do away with one of the greatest drawbacks to the improvement of Ireland—namely, what is called an indulgent landlord, that is to say, a landlord who, slovenly and irregular in his own accounts, allows, and by his example encourages, his tenants to become so in theirs, by falling into arrear with their rents, for thus they lose all independence of character, and, incurring an amount of debt that they cannot fully discharge, their endeavour is wholly to evade it. Hence those newspaper paragraphs, headed "good land," by which the public are informed that four or five years' rent has been forgiven on the condition of one being paid, a liberality for which great credit is taken, but which is but a compromise on the part of the landlord to avoid losing all. The importance of short accounts between landlord and tenant, and of promoting habits of punctuality, where habits of a contrary kind have long so injuriously prevailed, is fully recognised in this Bill, by limiting the power of the landlord to enforce payment of rent by a distress, to the rent due for the previous year. Another great evil in the existing law is remedied by this Bill. At present the power of letting small tenements by the week or month is limited to towns. A landlord in the country cannot let a cottage, with or without garden, to a labouring man for a shorter term than a year, and should he wish to regain possession of it, he must give a six months' notice prior to the corresponding period of the year to that at which the tenancy commenced. On the other hand, the tenant, however desirous he may be to remove elsewhere, cannot do so without serving a like notice upon the landlord. Under so inconvenient a state of the law it cannot be matter of surprise that suitable dwellings for the agricultural labourers are so seldom built in Ireland. The Bill proposes to recognise the letting of small tenements to monthly and weekly tenants, with the same powers of recovery as are enjoyed by the lessors of small tenements in towns. The advantages of such a provision are obvious as regards the interest both of landlords and occupiers. The landlord will be encouraged to build dwellings suitable to the wants of this humble class of his tenantry, by the security of being enabled to resume possession within a reasonable time, and without an expensive process of ejectment from any tenant he may object to; and the tenant, if not satisfied with his tenement, or, if desirous as an artisan or labourer to carry his labour to some better market, can at once surrender the holding to his landlord. Such a change in the law, some time ago, would have saved the poor of Ireland from much suffering, for, on the expiration of an old lease, or on the ejectment of a non-paying middleman, lands have been from time to time thrown upon the hands of landlords covered with a helpless and ignorant population of undertenants, with dwellings unfit for human habitation. Landlords in such cases have often been obliged, in taking up the land, to pull down the cabins, leaving the dispossessed population to the relief provided by the Poor Law. Without capital or capacity for farming the land, the head landlord could not reinstate them as his tenants, for he must turn the land to account if only to meet the poor-rates and taxes upon it. Had he been enabled, as by the proposed amendment of the law he would be, to have retained them in their cabins as monthly or weekly tenants, he might have found for them profitable employment in restoring the lands to a healthy condition, and the gradual removal of so many as were in excess of the means of permanent employment might have been effected with advantage to all. One of the most important provisions in the Landlord and Tenant Bill is the clause respecting fixtures, which, from the consideration it has received, and the equitable principle and sound policy upon which it is founded, will, I hope, become law. It appears that the tradesman is already secured in the property of whatever he has erected appertaining to the business of his trade; the reason for securing in like manner to the farmer a property in what he has constructed or erected at his own cost for the business of the farm is equally strong. I would go further, however, and secure to the tenant his property in ornamental improvements. It appears hard that a tenant who has, at his own cost, put up a chimney-piece or other ornament of a like kind, should lose his property in them when he quits the tenement, because, being bedded in stone, brick, or mortar, they have become part of the freehold. My noble Friend on the cross-bench (Lord Monteagle), in objecting to the fixture clause, quoted in support of his argument an anecdote of Sir Boyle Roche. My noble Friend will permit me to quote, in support of my argument in favour of an extension of the fixture clause, an anecdote drawn from the humorous Memoirs of Sir Jonah Barrington, quite as pertinent to the subject. Such of your Lordships as have read the Memoirs of Sir Jonah, will readily call to mind the scene at the newly-built hunting-lodge, where two of Sir Jonah's friends having fallen asleep after a drunken carouse the evening before, with their heads reclined against the damp mortar of the newly-plastered wall, found themselves, when awakened, fast bedded into the cement, which had been dried by the warmth of their heads. In strictness of law those gentlemen had become part of the freehold, and ought not to have been severed from it. I quite agree with those noble Lords who have spoken in condemnation of the Tenants' Compensation Bill. Such a Bill ought not to have been brought forward by the Government. Its title would imply that the interest of the tenant was overlooked in the other Bills, and is, therefore, calculated to interfere with an adjustment of the question mutually advantageous to landlord and tenant. I can only regard it as an unjust and mischievous interference with the rights of property, calculated to place landlord and tenant in a constant state of antagonism, and to beget endless and wasteful litigation between them, without really securing any advantage whatever to the tenant that is not much better secured to him by the fixture clause in the Landlord and Tenant Bill; and, among the consequences of such an Act being passed would undoubtedly be a very general endeavour on the part of the owners of land to take it up from their tenantry, reducing the latter to the condition of farm-servants and labourers, for no landlord would willingly subject himself to the constant interference of arbitrators and assistant-barristers between himself and his tenants. The retrospective operation of the Bill seems to have been directed especially against those landlords who have encouraged their tenants to improve. Where the landlord has taken no interest in the improvement of his estate, or inspired no confidence in his tenants to improve, it is probable that no tenant could set up any claim for compensation. But the landlord who has countenanced and encouraged improvements, and been hitherto confided in by his tenants, would, under the operation of this Bill, be besieged with claims for compensation of which he is no longer to be, as heretofore, the judge, and which are thenceforth to be established against him as debts that he is bound to pay. I cannot believe that the Government seriously intend to press such a Bill upon the acceptance of the House. It will have, however, to be reported upon by the Select Committee, and I trust that the whole subject will be so considered that the labours of my right hon. and learned Friend (Mr. Napier) in the investigation of the existing laws relating to landlord and tenant, and in simplifying and amending them with a view to their better adaptation to the present circumstances of the country, may be turned to account in a definitive and satisfactory settlement of the question.

THE EARL OF DESART was of opinion that, whether legislation on the subject was requisite or not, the present moment was inopportune for that purpose. The state of Ireland was at present a state of transition, and legislation would, therefore, necessarily be based upon theory, not upon fact. If contracts were to be touched, and the relation of landlord and tenant were to be bound by legislative quibbles, transactions at present difficult of comprehension would be rendered still more difficult, and still more incomprehensible; and thus there would be an additional obstacle thrown in the way of those whom it was desired to help. He trusted, therefore, that the House would think twice before it proceeded to pass Bills involving legislation upon the subject of contracts as between landlord and tenant in Ireland. It was always a difficult thing to interfere with private contracts in commercial transactions; the landlord and tenant were in the position of contractors in a commercial transaction, and the House should not, therefore, deal with them as if they were children or idiots, incompetent to the management of their own concerns. There was no need of legislation now, because there was now no pressure upon the land in Ireland. When the tenant was seeking a bare existence in the face of competition such as was never known, he had to give any terms that were asked by the landlord; but all that was different now. Ireland was in a state of transition, and, therefore, the Legislature should be cautious how it proceeded to forge legislative fetters for the future in that country. The great fact, however, should never be lost sight of—namely, that the land was the property of the landlords, and that Government was bound to protect all private property in its disposal and in its management, so long as either were not rendered injurious to the general interest. There was no proof that the management or disposal of their property of that kind by the Irish landlords had been injurious to the country; on the contrary, he (the Earl of Desart) believed that on the whole they had been beneficial to it; and, therefore, it was clearly essential that the enjoyment of their rights should continue to be protected as essential alike for the good of the country and for the advantage of landlord and of tenant. In considering the question, consequently, care should be taken that the rights of property were not trespassed upon too far, and that there should be no petty restrictions placed upon landlords in disposing of their land on such terms as they chose, consistently with the general interest.

LORD DUFFERIN:* I am quite ready, my Lords, to give my consent to the second reading of these Bills, upon the understanding that they are to be referred to the consideration of a Select Committee. I believe that the time is come when it is absolutely necessary that we should enter upon a revision of the whole body of laws by which the relationship of landlord and tenant in Ireland is regulated. It is quite out of the question that we should any longer transact our affairs in that unbusiness-like and slipslop manner in which both landlord and tenant have been in the habit of indulging; it is absolutely necessary that a distinct understanding should be come to with respect to the rights of each, and that the nature of their connection should no longer be enveloped in that haze of uncertainty which has hitherto been the cause of so much mismanagement and contention. I believe that the Bills of the noble Lord are, in the main, good Bills; that they contain many excellent provisions; that in their operation they will be beneficial to the country. But, my Lords, I must venture to remind the House of one most important consideration. Before any attempt is made to introduce a sounder system of management with regard to the land in Ireland, an important preliminary step is first absolutely necessary. It is necessary, my Lords, that we should arrive at a settlement with regard to the past; unless a satisfactory settlement is arrived at with regard to the past, all our attempts to introduce an improvement for the future will, I fear, be greatly impeded.

Now, my Lords, I am sorry to be obliged to say that a great deficiency is to be found in this respect in the scheme of the noble Earl (the Earl of Donoughmore). The great difficulty lies in the past; but with that difficulty the noble Earl has but imperfectly attempted to grapple. I consider it to be a great subject of regret that the noble Earl—so well qualified, both on account of his ability as well as on account of the attention he has paid to these subjects—should not have endeavoured to deal with this difficulty in a more explicit manner. There is, indeed, in his Landlord and Tenant Bill a retrospective clause; but I fear its operation will not be very effectual. In principle it accords too much, and practically it accords too little to the tenant. In principle it asserts that all improvements, &c., executed by the tenant, are to be considered the property of the tenant; and that it shall be competent for him, at the expiration of his occupancy, to demand their value from his landlord—thus manifestly contradicting that most indisputable of all dogmas—namely, that a tenant's interest in his improvements, whatever may be their nature, must necessarily lapse with the effluxion of time; that at the expiration of an occupancy of thirty years a tenant cannot have the same claim to compensation as at the expiration of an occupancy of three years; while by leaving to the tenant, in case his landlord should not elect to purchase these improvements, no other alternative than to pull his house down, and carry away the loose stones in his pocket, the concession made on the tenant's behalf, at the commencement of the clause, is virtually emasculated.

Now, my Lords, I feel that an apology is almost due from me to the House for venturing to express a decided opinion upon one of the most difficult questions that have ever been submitted to your Lordships' consideration; but it is impossible for any one connected with Ireland, let his ability be what it may, not to have imbibed some information on this subject; it is impossible for any one who has passed three or four years of his life amid the endless embarrassments attendant upon the management of Irish property, not to perceive that at present the relationship of landlord and tenant in that country is almost of a barbarous character, and not to desire that their connection should assume a more satisfactory aspect.

Under these circumstances, I trust that I may claim your Lordships' indulgence for a few moments, while I endeavour to point out where the difficulty really lies, and what it is that principally impedes the introduction of a sounder management of landed property.

As most of your Lordships are aware, the majority of Ireland's misfortunes may be traced to this fact—namely, that a prolific and indolent people have been confined within an island, upon the produce of whose soil alone the inhabitants were in the habit of depending for subsistence. In a country without manufactures, without commerce, without emigration, and without a poor law, if you cut away the land from beneath a peasant's feet, his next step must be into—space, or, at best—into the limbo of beggardom. To each man the possession of a patch of land becomes absolutely necessary to existence.

Out of this miserable peculiarity arose those two great evils, from which most of the crimes and misfortunes of Ireland may be deduced—namely, so intense a competition for land as to make its owners the absolute lords of the market, and leave to the occupiers no alternative but to submit to whatever conditions the former chose to exact. My Lords, I believe in no free country has the produce of the soil ever been so unequally divided. I do not mean to say that the money-rent has been higher in Ireland than in England; I believe it has not been near so high, because the gross produce has been comparatively less; but of that gross produce an infinitely larger share was obtained by the Irish than the English landlords. The other great evil consequent upon the habit of the Irish people to depend upon the soil alone for subsistence, and the natural corollary to an intense passion for the acquisition of land, was the subdivision of the land into almost infinitesimal quantities. Now, my Lords, it is unnecessary to enumerate all the bad consequences which may be directly deduced from this subdivision of land. To one of them alone need I now call your attention.

On an estate applotted out to a conglomeration of small farmers, it became simply impossible to follow out the English system; and for the landlord himself to put upon the farm the more enduring improvements, it would have been madness to have made the attempt. It would have been ruinous for the landlord to erect over every ten or fifteen acres of his property a separate farming establishment, where on every 500 acres one such establishment would have been amply sufficient for all agricultural purposes. Consequently, it became the custom in Ireland for the tenant, at his own expense, to erect those buildings, and to execute those improvements elsewhere provided by the capital of the landlord, thus, my Lords—and to this point I wish particularly to draw your Lordships' attention—manifestly creating on behalf of the tenant a more permanent interest in his holding, than if he had only executed such improvements as in their very nature were calculated to make a profitable return within a more limited period; for your Lordships will readily understand that while a tenant, at the expiration of a tenancy of fourteen years, may have amply compensated himself out of the land for money sunk in draining, manuring, &c., he could hardly be supposed to have been recompensed for the 300*l.* he may have sunk in building his house, farm-offices, &c. Thus, my Lords, when prematurely compelled to surrender possession of his farm, upon which he may have but five or six years before erected such permanent improvements as the foregoing, no reasonable man can blame a tenant for considering that he is equitably entitled to some claim for compensation on behalf of the house, &c., he cannot carry away on his back with him. And, my Lords, above all things it must be remembered, that, in the first place, it was by the advice and with the strenuous encouragement of his landlord that he has been induced to build his house, &c.; and that, in the next place, from the method in which the management of estates was conducted in Ireland, upon some of which the tenants were kept under a permanent notice to quit, served annually, as well as from the strict nature of entails, in nine cases out of ten, it was impossible for him to get any lease at all by way of protection; while, above all, no ordinary lease, nothing but a long lease, one which approached to the nature of a building lease, would have been sufficient to afford him protection. As I perceive, by what has fallen from noble Lords during the course of this debate, that this admission on my part of the fact that the tenants have had the imprudence to erect buildings, &c., on their farms without previously insisting upon making a bargain with their landlords, and protecting themselves by a contract, will be sufficient, in the opinion of many persons, to vitiate at once all their claim for compensation, I may as well say a few words with regard to that point.

No one is more ready than myself to admit, as one of the most sacred elements of good government, the principle that matters of private contract ought not to be subjected to legislative interference; that should a man make a bad bargain, the law cannot step in to release him from it; and that, without let or favour, each man must be allowed to do the best he can for himself. My Lords, I know no commercial doctrine more essentially necessary to be always remembered; but, my Lords, I confess that I am not one of those prepared, with stony inflexibility, to apply every abstract principle I may hold to the affairs of men. I believe more mischief has been occasioned by a pedantic and prudish passion for the universal application of abstract principles, than even by an occasional lax observance of them. Our English Constitution works better than any other in the world, and yet I scarcely suppose one exists, as it were, so logically inexact—it is full of inconsistencies. The imperfections of human nature oblige us to be inconsistent; and, in fact, my Lords, it is because I consider the soundness of such a principle so perfectly unassailable, that I do not fear the consequence of a precedent in an opposite sense. Moreover, my Lords, I would urge, in reply to what has been said by the noble and learned Lord, with regard to the indefensible nature of all claims not supported by previous contract, that the very term contract implies the mutual independence of the contracting parties; and yet no one, I should think, would be bold enough to assert that the Irish tenants of former days were in an independent position: between them and their landlords a bargain, in the English sense, a contract, a stipulation, was out of the question. Such a matter was not mentioned; it was unknown to the practice of the country; the one did not propose, but dictated terms; the other did not accept, but submitted to them. And therefore, my Lords, I trust that because it is not to be found in the bond, your Lordships will not at once refuse to entertain the possibility of reasons existing, which may justify a departure from such a principle on a particular occasion.

But, my Lords, it is not even upon these grounds that I rest my case; I can go further. I am prepared to prove that, although in individual agreements there was no express stipulation respecting this class of improvements, a tacit understanding, nevertheless, did exist between the landlord and the tenant; whereby the latter felt assured, when embarking in these expenses, that, although protected by no lease, his tenancy would be sufficiently prolonged to enable him to reap the benefit of his investments; and that even where, as in the north of Ireland, a different mode of dealing with the difficulty was adopted, a certain custom did and does prevail which, bad as I consider it in some respect to be, had, at all events, this advantage, that the outgoing tenant's claim to compensation for improvements of a certain character was recognised, and that, independent of his lease, or of any express stipulation whatever, on removal from his farm, he was not compelled to leave behind him that portion of his capital from which he had not had time to obtain a free return. My Lords, I allude to what is called the custom of the Tenant-Right of Ulster.

Now, my Lords, as I fear the nature of this custom is most imperfectly understood —as it has been made the subject of very gross misrepresentation—as upon those misrepresentations very mischievous and absurd pretensions have been founded—perhaps I may be allowed to attempt to describe to the House its real character.

The custom of tenant-right in Ireland was that custom under which, at the termination of his occupancy, the outgoing tenant was in the habit of selling to the incoming tenant what was called "his interest in the farm," that is, those permanent improvements, such as houses, &c., which the one had erected, without having had time to repay himself for his outlay, and into the enjoyment of which the other was about to enter. The price was determined by competition, or private agreement, or, though not till lately, by the arbitration of the landlord or his agent.

My Lords, I know no better way of further illustrating the nature of the transaction, than by comparing it to a system which will be familiar to as many of your Lordships as have had the good fortune of having been members of either University. Your Lordships will doubtless remember how every freshman, on entering into the possession of his rooms, had to pay to the late occupant, in consideration of the furniture to which he succeeded, a certain sum, technically denominated "thirds." Those "thirds" were analogous to the sums paid by the incoming tenant to his predecessor, under the custom of tenant-right.

Though what I have stated is an exact description of the custom, I do not mean to say that its philosophical theory was everywhere thus understood. The custom itself was a remedy arrived at, as it were, by the "instinct" of the people, to obviate the inconvenience entailed by the practice of the tenant putting upon the farm the two classes of improvements—namely, those immediately reproductive, such as draining, manuring, &c., and those requiring a longer term of occupancy to become remunerative, such as houses, offices, roads, &c.—the *vis medicatrix naturæ*, as it were—which arose as the antidote to the original vice of a system of small farms and impoverished landlords. Moreover, a relict of barbarism, called the "goodwill"—that is, the privilege of peaceable succession—was also understood to be conveyed with the land by the departing occupant, in consideration of the sum his successor then paid, and further obscured the meaning of the transaction. This element of value, however, my Lords, we may, I think, suffer to lapse out of our consideration, and confine our attention to that part of the operation which was understood to convey to the incoming tenant the residuary interest in the farm of his predecessor. Now, my Lords, I am prepared to say, that if this machinery could have been properly worked, it would not have been altogether a bad means of helping out the defective system I have alluded to. If the price thus paid had really borne any relation to the value received—if the improvements left on the farm by the one had been always value for the sum paid by the other, no great harm could have been done; but, unfortunately, a disturbing force here intervened, sufficient entirely to vitiate the soundness of the original operation. I have already alluded to the immense competition for land in Ireland, and shown how completely it placed the tenant at the mercy of his landlord;

how, in fact, what were known as rack-rents were the result.

But it is a great mistake to suppose that this system of rack-renting was universally prevalent in Ireland. In the south and west, indeed, it was only too prevalent; and the landlords of to-day are still reaping the whirlwind their fathers sowed. But in the north, from various causes sufficiently obvious, into which there is no reason I should now enter, a system of extortionate rents was never introduced. The landlords of the north felt that it was, in the main, against their interest to squeeze from their tenants the utmost that could be obtained. It was very rarely that the rent demanded was equal to the competition price. As in a court of justice, when the accused has no defender, the Judge himself becomes his counsel, so the Ulster landlords thought it to be their duty and interest to protect the tenants against themselves, and instead of fixing the rent at what the tenant proposed to give, they cut it down to what the land could fairly pay. But, my Lords, unhappily, partly in consequence of the vicious system by which the relations of landlord and tenant in Ireland were regulated, partly in consequence of the want of foresight of former generations, the benefits which the landlords of Ulster were thus anxious to provide for their tenants has been only partially secured; for, my Lords, that passion for the acquisition of land, that extravagant competition which was its result—curbed in one direction by the moderation of the landlords—worked out for itself a new channel, through which it could rush to the utmost limits of indulgence.

When the offer of an enormous rent upon the part of a tenant anxious to obtain a farm, was not found sufficient to secure for him the preference of the landlord to the prejudice of the other applicants, the payment of the outgoing tenant of an exorbitant sum, nominally in consideration of his improvements, was found to be more successful. The mischief resulting from the introduction of such an exaggeration of value was not immediately apparent. The landlord did not like to stand in his old tenant's way, when thus making a good bargain; it reconciled the outgoing man to the removal from his farm (always such a difficulty in the path of the landlord in Ireland), while, above all, the larger the sum thus paid, the more ample became the fund out of which the landlord was able to repay himself the whole of the arrears, which his agent's mismanagement or neglect had suffered to accumulate on the farm during the late tenant's occupancy. Thus, an outgoing tenant, on the termination of his occupancy, may have been fairly entitled to the sum of 50*l.*, in consideration of some farm-office he may have lately built—the arrear, however, due by him to the office amounts to 100*l.*—the incoming tenant has been mad enough to offer 150*l.* for the farm, and the landlord approves of the bargain, inasmuch as he intercepts 100*l.* of the purchase-money as due to himself for arrears, while 50*l.* still remains to satisfy the ejected occupier, and divert his mind from all thoughts of exacting summary vengeance on his landlord for turning him out upon the world.

Thus, in a short time, partly in consequence of the foolish desire for the acquisition of land on the part of the tenant—partly, in consequence of the short-sighted policy on the part of the landlord, did the sum received by the outgoing tenant from his successor lose all relationship whatever to the real value of the improvements, for which it was supposed to be the equivalent. The theory of the transaction was lost sight of, and nothing but the custom remained, under which it was considered, in many parts of the country, that the tenant had a right to sell his interest in his holding to the highest bidder; and that it was an infraction of the custom of tenant-right for the landlord to attempt to modify the competition, or exercise any choice among the competitors for his own land.

Now, my Lords, having paid great attention to the subject—having studied its working painfully and earnestly for some years—I have no hesitation in saying, upon my honour and conscience, that a more unbusiness-like or mischievous system, both as regards the landlord and as regards the tenant, could not have been invented. All the benefit arising from the moderation on the part of the landlord was entirely counteracted; the margin of profit he had been desirous to leave to the tenant was completely swallowed up—his very indulgence and kindness aggravated the mischief, for it made men more desirous to become his tenants, and stimulated competition—his very virtues thus becoming an element of value as against himself; while he found that, notwithstanding all his endeavours to let the land at a fair rate, every tenant on his estate was paying, one way or another, a most exorbitant rack-rent. For, my Lords, I think your Lordships will easily perceive, that if on his entry into a farm, for which he is charged a fair rent, a tenant shall have to spend, we will say, five, eight, or ten pounds an acre besides in purchase-money (and such, my Lords, to this day is no uncommon price to be paid for the mere occupation of land on which the improvements are absolutely scarcely worth anything), he is but paying up beforehand so many years' purchase of the yearly difference between a fair rent and a rack-rent. Moreover, my Lords, it must be particularly remembered, that in order to pay this enormous sum, amounting to sometimes from 200*l.* to 500*l.*, the tenant had to go to the money lender and borrow at the rate of ten, twenty, nay, fifty per cent; and thus he entered upon the prosecution of his enterprise, not only destitute of capital, but saddled with an enormous debt, the interest of which he had to provide every year with more unfailing exactitude even than his rent.

But as it was to be supposed, my Lords, this system so vicious in principle, so ruinous in practice, has on the first emergency completely broken down. The potato failure came in 1846; and in exactly the same manner as the proprietor of an encumbered estate found the narrow margin of his income which remained, after the annual charges had been paid, suddenly disappear beneath the pressure of the times, so did the unfortunate tenant-farmer of Ulster discover, when too late, that it was no longer possible for him to pay from the margin left, after the landlord's rent had been deducted, the interest of the debt, which at the commencement of his occupation he had contracted. My Lords, since 1846, upwards of sixty tenants have left my estate: in nine cases out of ten, these unfortunate persons were driven to the wall, not by any proceedings on my part, but in consequence of the persecution of those creditors from whom twenty, thirty, or forty years before they had borrowed the purchase-money to pay for their farms, and between whose prosecutions and themselves they actually entreated me to interpose my prior right of distraint.

Such, then, my Lords, was the famous custom of the Ulster Tenant-Right. I have dwelt at some length upon it, as being anxious to confute the monstrous misrepresentations of which it has been the subject, and to show how untenable are the pretensions which have sometimes been founded on it.

But, my Lords, at the same time, bad and unfortunate as the results of such a practice may be, I trust—I am sure, this House will have impartiality enough to perceive, that the difficulty for which the custom of tenant-right was a clumsy and ineffective remedy, still exists, not only in Ulster, but all over Ireland; and we must remember, my Lords, that it is not for a mere province, but for the whole island, that we are going to legislate, and that the very fact of a necessity having arisen for revising the body of laws by which the relationship of landlord and tenant are regulated, compels us more inevitably to deal with this difficulty, and to recognise this element in the case. For, my Lords, however we may argue in the abstract, the actual state of things is simply this—within the last few years, most of the occupiers of land in Ireland have spent large sums in executing improvements of a permanent character on their farms, on the strength—not of a contract, into which no opportunities were given them to enter—but on the faith of a custom established and acted under with the consent of the landlord, or else on the faith of that semi-feudal feeling, which, till the famine swept the old world away, made each respectable tenant feel sure that he would be allowed to remain in the uninterrupted enjoyment of his land and the improvements he had introduced upon it, until he should have had opportunities of reaping a profit from his investments. The question, then, that I would venture to submit to your Lordships is simply this—Ought not, under these circumstances, something be done to secure to the outgoing tenant the repayment of so much of his money sunk in the improvements of his farm, as the value of those improvements may justify, the return which he may already have obtained from them during his occupancy being fully allowed for? How, otherwise, my Lords, can we hope to remedy the present disjointed system? Shall the landlord, as in England, be called upon to make the improvements? My Lords, unless each proprietor has a million of money, and a heart of stone—unless he is content to make his estate a *tabula rasa*—unless he has the courage to reduce the number of his tenants from 2,000 to 200, the English system could not be introduced during the next half-century into Ireland; and I confess I am not altogether an ardent admirer of that spirit of improvement not entirely unknown to history—*Solitudinem faciunt, et pacem appellant.*

By legalising the custom of tenant-right?—I think I have said sufficient to show how impracticable would be that remedy.

By leaving things as they are, and trusting to the good feeling of the landlords to leave the tenants in the uninterrupted enjoyment of their improvements, and to see that justice is obtained on the expiration of their tenancy?

My Lords, I am perfectly aware that such an alternative would be the one most congenial to this House; your Lordships, judging by your own feelings, by your own sense of honour, reflecting on what is your own practice on such occasions, will have difficulty in conceiving the possibility of such injustice being perpetrated as that against which I believe it is necessary to guard. But, unfortunately, my Lords, your Lordships are not the only proprietors in Ireland; there are men possessing property in Ireland, in whose honour, in whose sense of justice, in whose compassion, I, for one, my Lords, have no confidence whatever. Why, my Lords, doubtless, none of your Lordships would have acted after this fashion:—The proprietor of a large estate in the west of Ireland, from which he is a constant absentee, received a communication from his agent to the effect, that the harsh and rigorous measures of which he had become the unwilling instrument had resulted in his receiving several threatening letters, and that, therefore, he wished to know what, under these circumstances, he was to do;—the poor gentleman wrote in great trepidation, for in those times, and in that part of the country, a threatening letter was a document pregnant with meaning. In reply, the principal dates from his club in London this Spartan response:—"Sir, you will have the goodness to make the tenantry on my estate clearly understand, that their shooting you will not have the slightest effect in intimidating me." Now, my Lords, although I do not suppose any of your Lordships would have been disposed to exhibit this kind of vicarious courage, yet, because your Lordships are disposed to do justice, and more than justice, to your tenantry, it is no proof that others may not be capable of performing acts of baseness, which this House may, perhaps, conceive to be incredible. Moreover, my Lords, in matters of business, it is best for all parties that as little as possible should be left to what is called good feeling. A statesman should take it for granted, in regulating the relation of parties having conflicting interests, that each man is likely to insist upon whatever he is legally entitled to, without too conscientious a consideration of the equitable claims of others, and, therefore, in my opinion, it is best for all parties that the tenant should have some more tangible security than an indefinite custom, or a tacit and too easily violated understanding.

My Lords, during the course of this debate, frequent allusion has been made to the state of transition in which Ireland now finds herself; this state of transition has been adduced as a reason why we should not interfere. My Lords, I would insist upon the fact of our being in a transitory state as one of the most urgent reasons which renders interference absolutely necessary. A great change is taking place in the proprietary of Ireland; and though an understanding did once exist between the landlord and his tenant, this understanding is no longer sufficient to afford to the tenant the required security.

Old families are disappearing—new men have purchased their estates, with business-like habits and advanced views respecting the management of property—who look, as they ought to look, to making their estates pay. Pharaohs are everywhere rising up who know not Joseph—who cannot be expected to consider themselves bound by such tacit and unusual understandings—who naturally will consider no claims but what are guaranteed by parchment and law—and who must be expected at once to deal summarily with all interests, claims, &c., in support of which the tenant can only plead an ill-defined, ill-understood custom, or the careless good-natured assurances given by one, who was some time, indeed, his landlord, but has since himself become a ruined outcast on the face of the earth.

The argument, then, which I would venture to urge in support of the tenant's claim for legislative interference, is simply this: from circumstances, over which the tenantry of Ireland had no control, and for which they were not responsible, it became necessary for them to execute improvements on their farms of a permanent character, without being able previously to protect themselves by any adequate contract. To a certain extent, however, a degree of security, almost tantamount to that guaranteed by a contract, was afforded to them by an understanding or custom, which, though differing in its *modus* *operandi* in different parts of Ireland, was, nevertheless, in one shape or another, almost universally prevalent.

Latterly, however, in consequence of the great revolution, and the breaking up of the old state of things which has taken place, these semi-feudal and ill-defined understandings, which once existed between a former race of landlords and their tenants, is no longer found to give the necessary security, and the tenantry are, therefore, anxious to substitute for an equitable right under an uncertain custom, a legal right under a definite law.

In order to meet this case, then, my Lords, I have ventured to lay upon the table of this House a Bill, whose operation is solely confined to the past—whose sole object is to effect a settlement with regard to the past, in order to pave the way for the introduction of a sounder system for the future. The only sure foundation upon which the relationship of landlord and tenant ought to depend, is the foundation of contract, and, therefore, the character of this Bill is simply retrospective: it recognises as a principle, that with the effluxion of time the tenant's interest in his improvements doth necessarily lapse; and that the duration of the term over which a claim for compensation may run, should vary with the class of improvements for which compensation is claimed.

I feel that I ought to apologise to your Lordships for occupying your attention at so great a length, but I am sure this House will look with indulgence upon what has been only an attempt to fulfil that which I considered a duty.

The LORD CHANCELLOR said, he did not wish to trespass for any time on the attention of their Lordships, but he rose to say a few words in consequence of an appeal which had been made indirectly to himself. His noble Friend on the cross benches (Lord Monteagle) had made an appeal to those Members of their Lordships' House who were commonly called the "law Lords," to take care that nothing was done in these Bills which would lead to the perpetration of private injustice. It was not more, certainly, though perhaps more obviously, the duty of those noble Lords who owed the honour of their seats in their Lordships' House to the share they had taken in the administration of the law, to watch over such measures, than it was the duty of the rest of their Lordships; for himself he could only say that, unless he was satisfied that there would be nothing in the Bills when they had gone through the ordeal of the Committee calculated to do injustice, he should feel himself bound to oppose the second reading. He felt satisfied that no injustice need be done. He was quite at issue with his noble and learned Friend the Lord Chief Justice when he said that a compensation Bill must be either unjust or absurd. It must be absurd, the noble and learned Lord said, because, if there were no contract, the tenant might be turned out at a moment's warning; or unjust, because if there was a contract they would make people pay for that in respect of which no agreement was made. He agreed with his noble and learned Friend that great benefit would arise if the relations of landlord and tenant in Ireland were always founded upon clear and well-defined contracts. The true mode of legislating on this subject, as well as the most safe and efficacious, was to give the greatest facility for contracts, and the greatest facilities for enforcing them. When that was done by Parliament, Parliament had done nearly all which legislation could effect. He thought his noble and learned Friend kept one point out of mind when he asserted that any enactment for prospective compensation must be absurd where the parties had not contracted to that effect. It was this—that when people entered into contracts they rarely foresaw all the contingencies that might arise. The relations of life presented many such instances, and particularly in those between landlord and tenant, and therefore in numberless instances the law laid down what should be the relation between parties in the absence of express contracts. He might refer, amongst other things, to what were called in law "emblements," and to the customs of the country. These were admitted in different contracts, and depended upon a variety of conditions; so that, in view of them, he could not agree with his noble and learned Friend that there was any absurdity in making provision for prospective compensation where the parties had not stipulated for themselves. Retrospective compensation stood upon a very different footing; and he confessed he looked upon this portion of the noble Earl's measure with some trepidation. At the same time, he did not pretend to say there might not be cases in which it might not be just that some such compensation should be made. In particular districts, for example, or at particular places, the custom might prevail so commonly that it would be an injustice not to permit it to be enforced. But the noble Earl's measure went a great deal beyond what was just. In conclusion, he had no hesitation in agreeing to the second reading of these Bills, not meaning thereby to pledge himself to do anything calculated to do injustice. The objection of injustice applied mainly to the Landlord and Tenant Bill. As to the power proposed to be given to tenants for life by the Leasing Powers Bill, he could not admit that the question of justice or injustice applied, because every country had a right to say the land should be held and enjoyed under such regulations as were best adapted to the social wants of the community. Once establish that it would be for the social interest of Ireland that extended powers of leasing should be given, and no man would be permitted to enter into contracts which would militate against the general interest. He had authority from Lord St. Leonards, who was unable to attend, to say that, though he was a party to some of the Bills before the House, yet he wished to guard himself against being understood to support anything in them that might be found to be inconsistent with strict justice.

The Earl of DONOUGHMORE replied.

Motion *agreed to;* Bills read 2ª; as also Law of Landlord and Tenant (Ireland) Bill, Powers of Leasing (Ireland) Bill, Tenants' Improvement Consolidation (Ireland) Bill, Compensation for Tenants (Ireland) Bill; and Bills *referred* to a Select Committee.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 28, 1854.

Minutes.] Public Bills. — 1° Simony Law Amendment; Highways (South Wales); Church Building Acts Continuance; Commons Inclosure; Consolidated Fund (£8,000,000).

THE RUSSIANS AT KHIVA—QUESTION.

Mr. H. G. LIDDELL said, he rose to call the attention of the right hon. Gentleman the President of the Board of Control to the following paragraph, which appeared in the *Times* of that morning:—

> "The intelligence of the establishment of a Russian army on the Oxus is confirmed; also, that an alliance, offensive and defensive, has been concluded between the Russians and Dost Mahomed, the Khan of Khiva, and the Khan of Bokhara."

He wished to know whether the report of the advance of the Russians to the Oxus was correct, and also whether the Government had received any authentic intelligence of the conclusion of any such alliance between the Czar, the Khans of Bokhara and Khiva, and Dost Mahomed?

Sir CHARLES WOOD said, with regard to the advance of the Russians, it would be certainly difficult to prove a negative, but he believed there was not the slightest truth in the statement. The Government had not received any information of the kind; on the contrary, the last news the Government had received rendered it almost certain that the report could not be true. That information was contained in a letter from Mr. Stevens, our Consul at Tabreez, dated January 4th, in which he reported a conversation he had had with a Mr. Khanikoff, an old Russian friend:—

> "In the course of conversation (said Mr. Stevens) I introduced the subject of the reported Russian expedition to Khiva and Bokhara; Mr. Khanikoff denied that anything of the kind had taken place. He said the report must have originated in the following manner:—Some subjects of Kokan had erected a fort within the Russian boundary, on the right bank of Syr Dagria; a body of Russians was despatched thither, and, after destroying the fort, returned to its quarters at Kaimak."

Now the Syr Dagria was a river which ran along the Russian boundary into the Lake of Aral on the north-east, while, on the contrary, the Oxus, which passed through Khiva, ran into the Lake of Aral at its south end; so that it was not at all probable that the Russians had advanced so far. With regard to the second question—whether the Government had any information respecting the conclusion of an alliance between the Czar, the Khans of Khiva and Bokhara, and Dost Mahomed, he could only say they had no such information, and he believed the story to be equally destitute of foundation, as the despatch received this morning from Lahore, in the Punjab, quoted some intelligence from a news-letter at Cabul, dated 27th of December, which represented Dost Mahomed as busily engaged in hostilities with his brother, and fearful—needlessly fearful, he must say—of an invasion of our troops into his country; but no mention whatever was made of an alliance with the

Russians; and indeed, apparently, Dost Mahomed already had his hands too full to be able to turn his attention that way.

CONVENTUAL AND MONASTIC INSTITUTIONS.

MR. T. CHAMBERS, in rising to move for the appointment of a Select Committee to inquire into the number and rate of increase of conventual and monastic institutions in the United Kingdom, and the relation in which they stand to existing law; and to consider whether any, and if any, what further legislation is required on the subject, said: I cannot help thinking, Sir, that this is one of those questions which, in themselves, might be easily and satisfactorily settled, but which, unhappily, can never be discussed without great incidental disadvantage from being, almost unavoidably, mixed up with other considerations not necessarily belonging to them, and from exciting sentiments and feelings not proper to the discussion of such questions. The subject which I have now the honour to submit to the House is not, in any sense of the word, a spiritual or religious one, but is one of a civil, social, and political character. Yet I cannot be ignorant that, in bringing it forward, I do most unintentionally, and greatly to my regret, excite strong feelings in the minds of many Members of this House who belong to the Roman Catholic communion, or who represent Roman Catholic constituencies. Nor can I conceal from myself the fact, that in addition to this incidental but heavy disadvantage, I have also to contend against the active and decided hostility of the Government. Yet if I wanted, in a single sentence, to propound to Her Majesty's Ministers an argument at least for their forbearance, I should find it in the striking and significant fact that a Member of this House, in the year 1854, in this Protestant country, more than 300 years after the Reformation, is asking for a Committee to inquire into the number and the rate of increase of conventual and monastic institutions, a circumstance of itself well calculated to arrest the attention of every statesman and legislator in the United Kingdom. No doubt this is a question which, on many accounts, may be embarrassing to hon. Members in relation to their constituents, and to the Government in relation to its supporters; but it is in the discharge of what I believe to be a great public duty that I bring it forward, and I can assure the House that I propose on the present, as on the last occasion, to perform that duty with a due regard to the feelings of others, and to mention the facts which I desire to bring before the House without, if I can help it, exciting religious animosities among the different classes of the community. I really believe, Sir, that I should have no difficulty in securing the attention of the House and the Government to this matter, were they fully informed on the mere arithmetic of the question, of the actual number of conventual and monastic institutions which now exist in England and Ireland, and of their rate of increase. I begin, therefore, with the statistics of the subject. I learn from the *Roman Catholic Register* for 1853—an authority which nobody in this House will be disposed to dispute—that in January of that year, more than twelve months ago, there were in England seventy-five convents, and in Ireland 128, being a total of 203. But that does not include the whole number, because, in addition to the Roman Catholic nunneries, there are others—I have no means of ascertaining the precise number, but they may be set down, conjecturally, at seventeen—belonging to what is called the Anglo-Catholic communion. The whole number of convents, therefore, in England and Ireland, at the beginning of 1853 was about 220. Now that fact is in itself a very significant one. But it is doubly important when taken in connection with what was the state of things in England in respect to Roman Catholic religious institutions a few years ago. I am informed by the *Roman Catholic Register* that, in 1843, there were only fifty-six convents altogether in the United Kingdom; and, therefore, in ten years there had been an increase of nearly 400 per cent, or an average increase of forty per cent per annum. But that is not all, nor is the full significance of these statistics yet apparent, for, unfortunately, the rate of increase has not been uniform, but gradually and rapidly accelerating; for while in the four years previous to 1851 the number of new institutions established was nineteen, in 1851 the number was nine, and in 1852—the last year to which the accounts refer—it was thirteen. I will now give the House the statistics of monasteries. I find from the *Roman Catholic Register* that in January, 1853, there were in existence seventy-two monasteries in Ireland, and as, according to the best information I can get, there were in 1843, sixty only, it follows that the increase in the last ten years had been twenty per cent. Now, Sir, that these statistics give no exaggerated view of the actual numbers of the institutions in question may be shown by reference to other authorities. Dr. Wiseman, in his answer to some Lectures on Convents by the Rev. Hobart Seymour, uses these words, "Fortunately England possesses religious institutions (nunneries) in every great town, and in many rural districts. Ireland is, thank God, full of them." In addition to testimony thus unimpeachable, we have the following from a Roman Catholic layman, writing some years ago in the *New Monthly Magazine* :—

> "The religious houses have been on a rapid increase for several years past, and if continued on their present scale, will, undoubtedly, soon multiply to an extent equal to their pristine vigour before the days of the Reformation. The great misfortune is, that in their constitution and purposes but little renovation has been effected, and the slavish indifference to all good, and insidious application to which they can be applied by the designing, so conspicuous in the cloisters of old, are the objections to their existence now."

It has been asserted, over and over again, that, in bringing this subject before the House, I am taking a course utterly abhorrent to the feelings of all the Roman Catholic laity throughout the kingdom. [*Cries of* "Hear, hear!" *from the Irish Members.*] Just so; you re-echo the assertion by your cheers; but it is, nevertheless, my deep conviction that the step I now take is not so repugnant as you imagine to the feelings of the lay members of your Church. I find proof of this in the extract I have just read; and if you desire further evidence, I have it at hand in a letter which I received last year from a person in Drogheda, at a time when, throughout the length and breadth of Ireland, public meetings were held to denounce in unmeasured terms the views which I had ventured to express in this House on the subject of conventual and monastic institutions. The letter is dated June 15, and the writer says :—

> "I beg leave to offer some local intelligence that may assist you in your Bill for the Inspection of Nunneries. This is a town in which there are two very extensive convents, three monasteries for monks, six chapels, and about one hundred clergy of all sorts. You may, therefore, suppose the Roman Catholic clergy have much influence. These clergy got up the requisition to call a meeting on the subject of your Bill. Influences were brought to bear on parties to lend their names; but when the day and hour of meeting came, there were not six persons present to move the resolutions, and no rabble. The poorer sort stayed away, and the middle-class politicians as well as the few gentry here stood aloof. A private resolution was then come to, that the people might be spoken to in inflammatory harangues by the priests on Sunday from the altars, and then to catch the crowds coming out from mass, and so inflamed and spurred to the design."

[*Cries of* "Name," *from the Irish Members.*] No, I shall not name. [*Cries of* "Oh!" *and laughter.*] There are obvious reasons why I should refuse to give the name of my correspondent, and I suspect that no Gentleman would be more surprised than those who cry "Oh!" if I should be simple enough to specify the individual—perhaps a tradesman in Drogheda, a town with 100 Roman Catholic priests—who wrote the letter which I have just read to the House. Perhaps the most convenient mode of discussing the question will be to take the points in the order in which the notice of Motion mentions them, and to inquire next, therefore, as to the relation in which these conventual and monastic institutions stand to existing law. I will take the monasteries first. The 28th section of the 10 *Geo.* IV. c. 7, known as the Roman Catholic Relief Act, sets out by stating—

> "Whereas Jesuits, and numbers of other religious orders, communities, and societies of the Church of Rome, bound by monastic or religious vows, are resident within the United Kingdom, and it is expedient to make provision for the gradual suppression and final prohibition of the same."

And then goes on to enact that every such person shall, within six months after the passing of the Act, register himself according to the form prescribed, and receive a licence to remain in the country. By subsequent sections of the Act it is provided that all Jesuits, and members of other religious orders, communities, and societies, who should come into the realm after the passing of the Act should be banished; that all such persons being natural-born subjects of the King, who were abroad at the time of the passing of the Act, should register themselves on their return to the country; that the principal Secretaries of State might give or withhold, or revoke licences of residence, (making an annual return thereof to Parliament), and that any Jesuit or member of other religious order, community, or society, who should not leave on the revocation of his licence, should be banished for life; that any Jesuit or member of any other religious order, community, or society, who should, after the passing of the Act, assist in the admission of any person to any religious order, or take part in the administration of any religious vow, oath, or other engagement, should, in England and Ireland, be deemed guilty of a misdemeanor, and in Scotland be punished by fine and imprisonment; that any person so admitted a Jesuit, &c., should be banished, and after thirty days may be removed from the country, and if found in the realm after an interval of three months may be transported for life. These, then, are the stringent provisions enacted by Parliament a quarter of a century ago, in order to secure the gradual suppression and final extinction of these religious orders. And to show that this design has never been abandoned by the Legislature, I may refer to the 2 & 3 *Will.* IV. c. 115, entitled "An Act for the better securing the Charitable Donations and Bequests of His Majesty's Subjects in Great Britain professing the Roman Catholic Religion," the 4th section of which is as follows:—

> "Provided always, that nothing in this Act contained shall be taken to repeal or in any way alter any provision of an Act passed in the tenth year of the reign, &c., entitled 'An Act for the Relief, &c., respecting the suppression or prohibition of the religious orders or societies of the Church of Rome, bound by monastic or religious vows.'"

From the terms of which proviso it is perfectly obvious that the original enactments of the Emancipation Act were present to the consideration of Parliament when the later statute was passed, and that it was then thought desirable, by a stringent exceptive clause, to preserve unimpaired and in their full vigour the securities provided against religious orders in 1829. The inquiry, therefore, as to the relation in which monasteries stand to existing law is susceptible of a ready and conclusive answer —they are open and flagrant violations of it. They are directly in the teeth of the enactments I have referred to, and in open defiance of all the prohibitions and penalties imposed by the Act. So much, then, for monasteries, or conventual establishments for men bound by religious vows. But convents for women stand on a different footing. The Roman Catholic Relief Act, at the end of the sections above cited, has the following proviso, section 37:—

> "Provided always, that nothing herein contained shall extend, or be construed to extend in any manner, to affect any religious order, community, or establishment consisting of females bound by religious or monastic vows."

Such institutions, therefore, are not within the scope of the Act of 1829, being expressly excluded from its operation. While, therefore, monasteries stand to existing law in a relation of open and declared hostility, convents stand in no relation at all to the law. This brings us to the next consideration, as to whether any and, if any, what further legislation is necessary on the subject. Taking the actual numbers of these institutions, their rapid and accelerating rate of increase, is it not highly impolitic, inexpedient, and dangerous to leave them without the purview and beyond the range of law? I call on the noble Lord the Member for the City of London, not so much as the Leader of this House, as a great constitutional statesman, to say whether these associations, multiplying around us in so unprecedented a manner, do not furnish matter for grave and anxious speculation—for deliberate and diligent inquiry. I ask him whether any English statesman, worthy of the name, in any age since the Reformation would have regarded the facts I have mentioned with indifference, or, looking at them in the light of the Constitution, would have thought them insignificant or immaterial. The mere numbers are far from contemptible. There cannot, at this moment, be fewer than 2,500 females in this Protestant country bound by perpetual monastic vows, and the aggregate is rapidly augmenting. But the nature, no less than the number, of these institutions is such as to make it extremely desirable that they should be brought into some definite relation to law. How are they replenished with inmates? I take, first, a case for illustration not furnished by a Roman Catholic, but by an Anglo-Catholic nunnery. I refer to the establishment presided over by Miss Sellon. I hold in my hand a letter which appeared in the newspapers about a year ago, addressed to that lady by a poor man whose daughter had been taken away from him, and immured in the convent at Devonport. The writer says:—

> "You have robbed me of my daughter; and here I am, an Englishman, a father, and in my own native land, one of my daughters is seduced from me, and I have no redress. I say to you, give me my daughter whom you have stolen—give me my daughter back! I have been quiet too long —I will be so no longer. Give me my daughter, and let her come and support herself, as a Christian girl, by the honest trade I had spent so much to have her taught, and let her learn to be an honest member of society."

The unhappy father goes on to plead and expostulate and entreat for the restoration of his child in tones which must touch the heart of every man of feeling. This letter shows, at all events, that some young persons are decoyed to and detained in these institutions without the consent and against the will of their parents. From my next illustration we shall see that some are forced into them against their own will. The House will recollect the case of two girls of the name of Arrowsmith, whose treatment created so great a sensation last year throughout the country. They were residing at Preston, and were ensnared by a trick of their father and brought to London, and thence taken to the convent of the Holy Child Jesus at St. Leonards. An account of the occurrence appeared in the journals at the time, which, though it contained some inaccuracies, upon the whole very fairly stated the facts. I shall, no doubt, be told by hon. Members of the Roman Catholic persuasion that these young ladies were under age, and that the father had a right to dispose of them as he pleased. This would be a good answer to an allegation that the father acted illegally in what he did, but it is no answer at all to the assertion that he acted harshly and unjustifiably in the course he adopted, nor any refutation of the inference. I draw from the facts, that these nunneries are receptacles of those who are taken there against their will. This is the newspaper account of the transaction:—

> "CONVENTUAL ESTABLISHMENTS.—ALLEGED CASE OF ABDUCTION BY A FATHER.—It is anticipated that when the Nunneries Bill comes before the House of Commons, on Wednesday next, a circumstance that has caused much excitement in this town during the present week will be brought under the notice of the Legislature, the whole of the facts having been laid before Lord Palmerston, the Home Secretary, Mr. Chambers, the author of the Nunneries Bill, and other influential supporters of it; while from another quarter, Mr. Bowyer, Mr. Lucas, and other Catholic Members, have been acquainted with the particulars. Our borough Members have also had their attention drawn to the case. It appears that two young ladies, about fourteen and sixteen years of age, the daughters of a respectable family residing in this town, and formerly of Burnley, have been hitherto educated in the religion of their father, as Roman Catholics, and it was his intention to take them to the convent of the Holy Christ Jesus, at St. Leonards-on-the-Sea, to receive further education, and to act, also, in the capacity of pupil-teachers. Whether they had shown, at any time previously, any wavering in their doctrines, we are not aware; but, on their coming to reside at Preston, a few weeks since, and about the time when their departure for the nunnery was resolved upon, they renounced the Roman Catholic faith to one of the clergy of this town, attended his Sunday school regularly, and had consented, with the approbation of some of their Protestant friends, that he should make arrangements for them entering a training school for teachers, the one at London, and the other at Warrington. They were last week at the house of a near relative in the town, a Protestant, when their father and some other friends, finding persuasion unavailing, hit upon a device for obtaining possession of the girls to take them to the nunnery. They were invited to take a trip to the sea-side, and Lytham was fixed upon for an excursion. This they accepted, and, on Saturday last, they left with their father and an uncle for the train, but the latter then intimated their intention of going to Southport instead. The young ladies took their seats in a train for the south. Tickets for the whole party were, unknown to the female members of it, obtained for London, and the train then proceeded on its journey without anything remarkable taking place, until it arrived at the Newton junction, when one of the railway officials passing cried out, 'All here for London?' One of the young ladies said, 'No; we are here for Southport:' upon which the father assured the person they were all right. One of the girls then ejaculated, 'Oh! they are taking us to a convent!' Such an exclamation created quite a scene, and many parties were at once at hand to render assistance for a rescue, if assistance were needed. Various reports were speedily in circulation, but, although the aid of a magistrate was volunteered for necessary interference had there been any opportunity of exercising it, nothing was found could be done where a father was simply taking, as he stated, two girls to school. The wires of the electric telegraph were set in motion, and information of the extraordinary incident was conveyed to Preston and other places, and on the arrival of the train at the various stations on its way to London considerable interest was excited, news of the occurrence having preceded the train. We learn that the young ladies are now in London, at a branch establishment of the convent, where they are to remain for a few days previous to being taken to St. Leonard's. Their Roman Catholic friends allege that they are now reconciled to the prospect of a conventual residence. We learn from other quarters that their dislike to a residence in a Roman Catholic school has not been overcome, and that they avow their intention of remaining Protestants. Several gentlemen of the town are interesting themselves on behalf of the young ladies, should there be any means of legally placing them in the way of professing the Protestant religion."

To this statement in the local papers at the time I am desirous of adding some further and more accurate particulars, given to me by the Rev. J. Owen Parr, the vicar of Preston, a gentleman of the highest character, and in a situation to be exactly informed of the merits of the case. He writes:—

> "Preston, Lanc., 19 July, 1853.
>
> "Dear Sir,—I inclose an extract from a local paper, which may give you some information on a case of parental coercion which is exciting great interest in this town. It is reported that you are already informed of some of the more obvious facts of this case; but there are some points on which inaccurate statements are in circulation.

In the first place, the mother is a Protestant, and her daughters received the rite of baptism in the Protestant Church of England, an evidence of an understanding, if not compact, that they should be educated in that Church. They were, at a later period, placed in the care of a relative who was a Roman Catholic, and were under the instruction and influence of that Church. I am not aware that they ever made any profession of adherence to the Roman Catholic communion; but certainly they have latterly in an open and decided manner rejected what they consider the errors of Romanism, and declared their attachment to the Church of England. In accordance with this decision, a clergyman of this town, a connection of their family, made arrangements for their future employment in life with their own consent, the approbation of their mother and other friends, and without any expressed opposition on the part of their father. How he afterwards used fraud and force to frustrate this design for his children, appears in the story. No doubt the sole object of placing them in the nunnery at St. Leonard's was to compel them to adopt the Roman Catholic faith. Letters received from them here since their abduction, express their unaltered determination to abide by the Protestant doctrines of our Church. I need not point out to you the bearing of this case upon the Bill you brought into Parliament, or rather upon the object of it. Are not these young persons come to years of discretion in matters of conscience as to religious faith? They are of age to be admitted to confirmation, which presumes it. If so, will Habeas Corpus afford them protection from violence done to their conscience? Can they, under the circumstances, be emancipated from the control of their father on such matters, and from what they feel to be incarceration? If the case is introduced into the discussion in the House of Commons, these questions will be incidentally answered; and I am only anxious, if so, that you should have possession of the facts to the best of my knowledge and belief. There is no knowing how the opinions of the poor girls may be artfully misrepresented; but the railway occurrences are facts too stubborn to be perverted or distorted. They speak unanswerably the fact, that force was imposed upon the inclinations of these young people, which they did everything in their power to resist, proving not only that they had formed a judgment for themselves, but that they are capable, not only of forming it, but of estimating its importance.

"Your faithful Servant, "J. Owen Parr."

Probably most persons will concur with my reverend correspondent in the views so ably propounded in this letter. But to proceed with our narrative: these young ladies are brought to London; and from their lodgings they send, soon after their arrival, the following letters to their mother, with which I trouble the House, in order to show the state of mind with which, at that time, they regarded the prospect of going into a nunnery:—

"Written at Papa's lodgings.

"My dear Mamma,—Mary Jane and I are both at London, at No. 32, Queen Square, and I suppose are to remain here to be educated for pupil-teachers; and if Mary Jane is no better she has to go to St. Leonards to bathe, and stay for a bit, until she gets better. We didn't know we were coming to London till we got to Warrington; it was as much as they could do to get Mary Jane here alive, and we both would rather have died than have come. Give my very best love to all, and accept the same yourself.—I am your ever affectionate daughter, "Ann Arrowsmith."

"They won't make me a Catholic."

"My dear Mamma,—I now take a nice opportunity to write to you. I receive every attention that could be paid, both to body and soul. We have been to Buckingham Palace, and all over London. The first letter that I write to you from the school will not be looked at, but all the others will. We are with Papa at present. I should like to receive a letter from you, as soon as you can find time to write to me. Make yourself happy about us, and think always of what we said in our first letter, and do not doubt mine or Annie's word; I will not bow to everything again. Tell Mr. Smith from me, that I am obliged to do whatever it pleases Papa to make me, till I am 21—so the magistrate says; but I cannot be a Roman Catholic again in my heart.—Your affectionate child, "M. J. Arrowsmith."

After a brief stay in the metropolis, the writers of these letters are removed to the nunnery at St. Leonards-on-Sea, and after remaining there a week or a fortnight, are again removed to London, whence they despatch the following very extraordinary letter to the clergyman at Preston, under whose spiritual care they had been up to the time of their leaving that place. Their case had excited a very general and very strong feeling throughout the country, at a time the most critical and inopportune; for at that moment the attention of Parliament was especially addressed to the nunnery question; and the friends of these institutions felt, no doubt, the full importance of neutralising the disastrous influence of this inauspicious incident. Hence the significance and the value of the very extraordinary epistle which I now proceed to lay before the House:—

"London, July 21st, 1853.
"No. 15, Devonshire Street.

"Reverend and Dear Sir,—Our dear Papa took us from the Convent of the Holy Child Jesus yesterday. We are at present residing with him. We write you in his absence, but not without his leave or knowledge. Our object in writing this note to you is for the purpose of most respectfully to beg of you, or the Rev. Mr. Hazlewood, or others, not to take any law proceedings in our regard under the impression that we 're unhappy in the convent, or we 're under any restraint, or that we should be unhappy if we were allowed to return. We found ourselves very happy indeed when in the society of the kind and good nuns, and daily becoming more and more so. It is our earnest desire to return to the convent, and also our determination not to return to Lancashire unless as an act of obedience to our dear parents;

> it is our wish to return to the convent, there to pursue our studies unannoyed, and receive instructions in the principles of the Catholic religion. Candour obliges us to acknowledge that in the short time we have resided in London, we have learned more of the Catholic religion than we ever did before in our past lives. If we are allowed to return to the convent we shall as gladly return as we were reluctant to come. We beg of you and of your dear sister to accept of our united thanks for what, we doubt not, was your good intentions in our regard. Conscience will call upon us to support, before any legal authority, the sentiments and principles contained in this note. Another reason in our thus addressing you is, that persons may not uselessly dispose of their money in law, or any other proceedings. If we find our conscience to tell us, after fully studying the Catholic religion, we can by the aid of God's grace and the atoning merits of his Divine Son, inherit eternal life, we shall, and adopt the Catholic faith. Such being our clear duty to ourselves and our God, you may make either public or private use of this note, as our case has been made so public. Trusting you and Miss Smith and cousins are well, we remain, yours affectionately,
>
> "M. J. ARROWSMITH,
> "ANNE ARKWRIGHT ARROWSMITH."

The estimable clergyman to whom this letter was addressed, says (and probably every candid person capable of forming a judgment on such a matter will agree with him):—

> "I am inclined to think the handwriting of the letter is genuine, though it admits of doubt, but there can be little doubt about the composition being that of some other person."

Now, Sir, I do not say this is not a case of genuine conversion to the Church of Rome from the Protestant faith; but I do say that it is a very sudden, and a very lucky one. In ninety-nine cases out of a hundred the efforts of the "kind and good nuns" would not have succeeded so speedily nor so completely—the instance must be regarded as signal and singular. But the point to which I invite the particular attention of the House is this: the girls are converted, and we know what has become of them. But suppose that the kind, zealous, and conscientious efforts of the nuns—for such I will admit them to have been—had been unsuccessful, and these young heretics had remained obdurate, what should we have known of them then? Why, nobody who is acquainted with the history of this case from beginning to end, no man who is conversant with questions of evidence, and accustomed to test the value of circumstances, and is familiar with the history of conventual institutions, can doubt for a single moment, that had these young ladies persisted in their heresy, and refused to yield to the solicitations with which they were sedulously plied, we should have heard nothing of their removal from the nunnery, nothing of their sentiments, nothing of their whereabout. This House and this country would in such a case have been left in profound ignorance as to what became of them. And this brings me, Sir, to a point upon which I must dwell for a few moments, namely, the treatment which the inmates of these nunneries receive. Some hon. Members have described, in the warmest language, the perfect happiness and contentment of these nuns; yet no man who should presume to give an opinion on the subject, could venture to deny that, as a matter of history and of fact, the cloister has in all ages inclosed within its walls many of the most miserable of womankind. When it is considered that they are in their own nature places of restraint and infliction; that, in virtue of the very principles on which they rest, they assume that character; and when it is remembered that these principles, and the rules and usages which spring out of them, are all unchangeable, no person can doubt that such as they always have been such they are now, and that many unhappy persons now pine away in the seclusion of these convents. It has been said that persons are not immured in them against their will, and that such an insinuation is an insult to Roman Catholic parents and brothers. But there is ample evidence as to the circumstances under which young women are shut up in nunneries. I cite a witness who never, so far as I know, wrote against the Roman Catholic religion, and who was certainly not in search of evidence on this subject when he became acquainted with the incident of which he gives the following account. Mr. Willis, in his *Pencillings by the Way*, published more than twenty years ago, incidentally alludes to the causes and the consequences of forced conventual seclusion. He is giving an account of his visit to a lunatic asylum at Palermo, and he says that one of the inmates, a girl with a fine, intelligent face, came up to him, and that he asked the physician for the history of his interesting patient. Mark—this is not evidence manufactured, or even sought, for the occasion; it is a mere incident related in the course of the narrative. In reply to the inquiry of the traveller, the physician said, "Oh! this is a common case; she is the daughter of a Sicilian noble, who, too poor to marry her to one of her own rank, sent her to a convent, where confinement drove her mad." When I find the pertinacity with which it is denied that convents are places of restraint and infliction, I am driven to the conclusion—in justice to the Roman Catholics themselves—that they, of all people on the earth, are the least acquainted with the facts and history of their own religion. They do not know the history of their own religious institutions, they are not allowed to know it, for it is exceedingly undesirable that they should know anything about it. I repeat, then, despite energetic denials, that, by the very principles of their foundation, these institutions are places of restraint and infliction. Look at the practices of an Anglo-Catholic nunnery, in one of which a Mr. Prynne was reported to have imposed upon a girl, as a punishment, the making the mark of the cross upon the floor with her tongue; a penance which, if carried far, is said to leave the figure of the cross in the blood of the unfortunate penitent. And everybody knows that there are penances of all sorts, varying in degrees of torture; a girdle, with sharp points inside, drawn tight around the person—a cap, called *bonnet rouge*, which, when placed on the head of the victim, produced in a moment or two the most excruciating pains, ending in a very few minutes in insensibility, from excessive agony. There are many other severities practised in these convents—practices that obtain not only among the Roman Catholics, but under all ascetic forms of religion, as the Hindoo, and others. They are necessary and inseparable parts of the ascetic system, and where the system exists, these practices are also sure to be found. These are points which I ought not really to be required to argue before gentlemen who are acquainted with the history of Churches, the history of sects, and the history of religious institutions, especially of the ascetic order. These are things which are, or ought to be, perfectly familiar to us all, and the question is not so much as to the facts, but as to the reason or principle on which it is to be accounted for, that the adherents of systems of ascetic or superstitious pietism should be found indulging in such varied forms of cruelty. Now in a matter of grave importance like this, I do not think it is becoming to be too nice and complaisant. It may be very well for people to say,—"You insult Roman Catholic parents by the mere insinuation that they allow their children to be put into these houses against their will." I cannot help that. It is the truth. In all ages it has proved to be true, and it is true now. Right first, delicacy afterwards. Truth, above all things, and complaisance if we can. But flagrant wrongs must not be allowed to flourish with impunity, because it is uncourteous to say that they exist; nor important interests be slighted and neglected to avoid incidentally wounding the feelings of those by whom they have been sacrificed. A parent has not means adequate to portion all his children according to their rank in life, and some of them are cheaply disposed of in convents and monasteries. A man's daughter falls in love improvidently, and the seclusion of the cloister is an effectual security against an indiscreet alliance. Why, the noble Lord (Lord Edward Howard), who made an indignant speech, and presented a petition against my Bill of last year, stated, with reference to one noble lady who had signed that petition, that she had about twenty-nine sisters, cousins, and aunts in nunneries. Well, that is an important fact for the consideration of the House, and of the noble Lord, the leader of it. Why were there so many relatives in nunneries? Does the conventual taste run in families? is it contagious? or are there other reasons which bring so many members of one family into conventual establishments? Yes, there are other causes, and these causes demand the serious attention of the Legislature. I declare, in the plainest manner, my firm conviction that these things have always happened, and are happening now in every Roman Catholic country in the world, and also in England, but less frequently in England—thanks to Protestantism, and to the high moral tone which prevails among us, as I think, in consequence of Protestantism. And, after all, Sir, it is no such very heavy charge against Roman Catholic parents that these things exist. They have the same humane feelings, and the same love of their offspring as Protestant parents; but these feelings are corrupted and perverted by the false and mistaken teachings of their Church. It is thought a very great merit to dedicate a child in this manner to religion, and, without doubt, there is not a family which has one of their members in a convent that does not derive from that fact a great consolation and satisfaction. Therefore, how humane soever may be the feelings of Roman Catholic parents, they are liable to be warped and corrupted and perverted by the erroneous views and precepts of the Church to which they belong. But, Sir, is this allegation of insulting Roman Catholic parents an objection which ought to be allowed to prevail for one moment? When has such an argument been allowed to prevail? When actual evils have been pointed out, or the existence of them generally surmised, and believed what statesmen ever thought it a fair answer to the proposal to remedy those evils, "Why, if you proceed in that course of legislation, you will inflict a wound or a pang on such a class?" Did anybody hesitate to pass the Factory Bill, because, by passing that measure, he would stigmatise the mill-owners by insinuating that they were persons who were careless of flesh and blood, and regarded only their own sordid and selfish interests? Was such an argument advanced when the masters of apprentices were placed under the surveillance of the rigid law which was enacted some years ago? Or, more recently, when the Secretary of State for the Home Department (Viscount Palmerston) introduced a very severe measure for punishing the cruelties inflicted on wives by their husbands, did any one interfere, or protest against it, that it cast an imputation upon all married men, and slandered the class of husbands in general? No; no such argument could have been used, for it was a plain matter of fact that some husbands were cruel to their wives, and therefore, the insinuation, such as it was, could not be helped. The question is—does a wrong exist? If it does it must be remedied. Being remedied, the parties chargeable with inflicting it may afterwards divide the blame among themselves, and I care not how they distribute it. But the wrong must not be allowed to go on and increase, and spread, simply because we may render ourselves liable to the imputation of discourtesy in dealing with it. Now I scarcely know any society or institution, generally prevailing, which is not brought under the provision of law. Building Societies, and Friendly and Loan Societies appear harmless enough, but they are not without the pale of the law. And, again, to use an illustration which is (unnecessarily, I think), offensive to certain hon. Members—take the case of private lunatic asylums, established, as they mostly are, with philanthropic motives and objects by benevolent men for the treatment and relief of one of the greatest human calamities, yet they are brought under the cognisance of the Legislature, and, as liable to the gravest abuses, are placed under the most stringent rules and regulations. Even chapels and meeting-houses, obvious and well-known and laudable as are the purposes to which they are applied, and their doors open to any human being who chooses to enter, even these are not exempt from the operation of law; they must be registered and licensed. Why then should conventual institutions be an exception to the universal rule? On what grounds they should be exempted I know not, and I am confident that, if not now, yet at no distant period that exemption will cease. If authority for interference were required, there is ample authority. There is no nation of civilised men now existing on the face of the globe, the Americans only exempted, in which these institutions exist, and on which the law does not take cognisance of, and control them. The Americans are an exception, but they resort to Lynch-law, and if it is suspected that any persons are confined against their will in a nunnery, they go and pull it down, and set all the inmates free. This movement has been characterised as persecution. Persecution! I only wish that these institutions should be taken notice of by the law, and I contend that it is not persecution, for there is not a papal country in existence that has left these institutions without legal surveillance. It is the English people alone who are abandoned by their statesmen to be the prey of a designing priesthood, who would replenish the cloisters with the flower of our population. The Americans have certainly no statutory protection, but convents being without the pale of law, if any suspicion attached to them, the general and summary mode adopted is, for the inhabitants of the neighbourhood to pull down the walls of the building, and raze the structure to the ground. In all other lands the eye of the State and the grasp of the law are perpetually fixed on this class of establishments. Persecution! What is the use of history? For what purpose do we read it, if not to gather lessons of wisdom and prudence from the events of the past? Why then shall we persist in setting at nought the experience of all countries and all ages, and refuse to bring within the scope and province of law the institutions now under the consideration of the House? I do not want for high authority even in this House, for the view which I take of this question. When this subject was discussed in 1851, the right hon. Baronet, the Member for

Morpeth (Sir G. Grey) expressed his opinion in these words :—" A dangerous control does exist over persons in those religious houses." [Sir G. Grey: You should add that I voted against the Bill.] The right hon. Baronet need not be afraid that I shall omit to contrast what the right hon. Baronet has done with what he has said. "A dangerous control does exist over persons in those religious houses; and some steps may be necessary to deprive superioresses of their control over the property of nuns." The right hon. Baronet, therefore, stated it as his opinion in 1851, that some protection was necessary for nuns, both as regards their persons and their property; and after this acknowledgment that some interference was necessary, he voted against the measure then before the House. Last year I brought in a Bill which the right hon. Baronet had a perfect right to criticise and oppose, if he did not approve of it; but there was an Amendment of the hon. and learned Member for Bath (Mr. Phinn) for a Committee to investigate this whole subject, and the right hon. Baronet not only opposed the measures of 1851 and 1853, but he resisted also the Motion for an inquiry. In 1851 he admits that both in relation to the persons and the property of nuns, there is the greatest reason for interference. He votes against the proposed interference in 1851. In 1853 he votes against another proposal for interference, and also against an Amendment for a Committee to inquire. And so eager was the right hon. Baronet to get both the original Motion and the Amendment defeated, that, in a House most clamorous and impatient for a division, he insisted on being heard, for the purpose of making quite sure that both should be slaughtered on the spot. The right hon. Baronet was afraid, lest the zeal of hon. Members should outrun their discretion, and was apprehensive, lest, through their imperfect acquaintance with the forms of the House one of the propositions might inadvertently be carried, and he, therefore, thought it consistent both with his expressed opinions, and his position in that House, to rise, for the sole purpose of explaining to my angry and impatient opponents, that to ensure the simultaneous demolition of both the propositions before them, they must, on the first question put from the chair, vote in the affirmative, in order to quash the Amendment; and on the second question, in the negative, in order to destroy the Bill. Now, I give the right hon. Baronet full credit for having, in his own opinion, ample and sufficient reasons on which to vindicate his own consistency, but I must avow that with the utmost desire to discover what they are, I have been unable to do so; nor can I reconcile what he has said with what he has done. Probably the right hon. Baronet will consistently oppose this Bill, and the Amendment too. But I entreat him, if he still hold the opinion he expressed in 1851, to act upon it in his own way—to take any course, alone or in concert with others, so that it shall issue in giving that protection to the persons and property of nuns which he then considered necessary. Now, Sir, I have another high authority in this House. The present Secretary at War (Mr. Sidney Herbert) also spoke in 1851, on the same occasion, and said :—

> "The state has the fullest right to interfere with and control the management of religious houses. I must say, frankly, I consider religious institutions with perpetual vows not only unnecessary, but hostile to the spirit of our institutions. It is the interest of the State to refuse encouragement to establishments which must of necessity tend to withdraw its citizens from their proper duty and service to the State."

Consistently, I suppose, with those views the right hon. Gentleman voted against Mr. Lacey's proposition in 1851, and against both propositions in 1853, and probably will vote against both propositions now. Now, either these sentiments are not genuine, or the conduct of these eminent statesmen has not been in accordance with the opinions they have deliberately expressed. For they have not defended their conduct on the ground of the impolicy or inexpediency of interfering at this particular time, but they admit the propriety of interference, and yet they vote against inquiry. But it is said, any proposal to interfere with conventual institutions, is an invasion of the principles of religious liberty, and of the doctrines of toleration. Now there is no single subject upon which more indefinite notions, or greater errors prevail, than on that of religious liberty. It is time that the phrase were accurately defined, and its scope and limits more precisely laid down. It was objected to my Bill of last Session that it trespassed on religious freedom; but, not forgetting with how much success a dexterous controvertist may construct a plausible argument, I yet confidently defy any hon. Member, however ingenious he may be, to put together in a sentence any set of words whatever, which shall fairly describe anything which could have happened under that measure, and at the same time show, or even appear to show, an infringement of the religious liberty of the party affected by the enactment. Infringe religious liberty!—why, Sir, it was one of the strongest efforts made in modern times to protect it. I lay down this principle with reference to a nun or to any other person. Let spiritual and religious influence take full effect upon the body, soul, and spirit of the subject of it, unchecked and unrestrained. Let it take this full effect upon the conscience of the nun in the cloister—for the domain of conscience is sacred, and may not be invaded. But the very instant that, from what cause soever, the spiritual power loses it's hold of the conscience—its rightful domain—that very instant, for the sake of securing liberty of conscience, the ecclesiastical power should be made to relax its grasp. There should, thenceforth, be no ecclesiastical, and, above all, no physical barriers in the way of her returning to the world. Let them keep her, though in the agonies of religious terror, so long as she is held by spiritual bonds. But if those bonds be once sundered—if she repent—if doubts as to the truth of Roman Catholic tenets, or as to the usefulness, admissibility, or lawfulness of monastic vows, or as to her own calling to live under them; if doubts of this nature arise in her mind, and by the germination and growth of those doubts the spiritual power, which before held and bound her in fetters, be broken, that very instant, in the sacred name of liberty, I demand that she be allowed to return to the world. And yet men who have been famous and foremost in the cause of religious freedom have said, that, because I was willing that the nun should go forth from the cloister if she chose, I was guilty of instigating an infringement of liberty of conscience. No! all I asked Parliament to forbid was the power to tyrannise and enslave; all I asked Parliament to enact was facility for enfranchisement. It is time, I think, that we shall understand a little better what religious liberty really is. I did expect that after the noble Lord the Member for the City of London (Lord John Russell) had brought forward his Ecclesiastical Titles Bill, religious liberty would be somewhat more clearly defined; for the aggression which occasioned that measure was certainly a direct and flagrant infringement of the religious liberty of the Roman Catholics—and I think that the Roman Catholics ought to be obliged to the noble Lord for what he endeavoured (though unsuccessfully) to accomplish by that measure. What was then done by the Pope was not anything spiritual or religious, or I would not have objected at all; it was something purely ecclesiastical or political; and as such it was opposed, even by those most jealous of the rights of conscience. Now it has been argued (and I may perhaps hold the hon. Member for Rochdale (Mr. Miall) responsible for the objection—urged with great dexterity, fairness and force), that it is quite true that many of these nuns are very sorry they have taken their vows, and that they live lives of great suffering in consequence of their rashness; but that, as their condition arose out of an antecedent contract, the State must not interfere. The answer to this argument is conclusive. The law recognises no such contract at all. The law knows nothing of religious or monastic vows—temporary or perpetual. No subject can contract to surrender his or her liberty for life. It is not properly within either the moral or legal competence of anybody to make such a contract. But even supposing the original contract were admitted—for the sake of argument—still the restraint would be lawful, not in virtue of any supposed original contract, but in virtue of a continual and momentarily recurring consent of the parties; and the moment that consent is withdrawn, the detention of the person becomes a direct infringement of the liberty of the subject. Blackstone lays down the principle that every man is entitled to his liberty without stint, and that no one can deprive him of it—not even the highest power in the State—without being called to account. But, at this moment, every nun immured in a cloister, who desired release and cannot obtain it, is a palpable and painful instance of gross infringement of this primary right, and of the insufficiency of the law which protects the liberty of the subject in this country. But there is another more serious circumstance connected with this subject. Dr. Wiseman admits that these associations are affiliated with others abroad, to which their inmates may at any time be transferred at the will of the superior; and hence in these establishments the Roman Catholic ecclesiastical authorities have power not only to imprison and oppress, but to transport. And this power not only exists; it is exercised. The House will remember the case of Miss

Knight at the Taunton Convent, which forcibly illustrates this point. That lady had the misfortune to lose the use of her faculties, and became otherwise alarmingly ill. When a knowledge of her state was communicated—at a very late moment—to her friends, they were naturally anxious to have further medical advice and assistance, in the hope of restoring her to health and sanity. Accordingly her brother requested that his sister might be seen by a Roman Catholic physician of eminence, famous for his treatment of such cases, and that she might be removed from Taunton to a convent at Bristol, where she would be under his immediate care. Miss Jerningham, the Lady Abbess, refused both requests; an appeal was made to the Roman Catholic bishop, who gave his consent to these reasonable proposals. Still the Lady Abbess refused, in the haughtiest and most offensive manner, stating that "the matter was decided" and the patient was to be sent to Menin in Belgium; that she had absolute control over the convent and its inmates, and that against any interference of the bishop she would appeal to Rome. Thence ensued one of the most unseemly controversies that have ever been carried on in this country. The afflicted brother urged the most vehement, and yet respectful, remonstrances against the cruel edict which consigned his dying sister to a distant exile—and, backed by the sanction of the bishop, at length succeeded in rescuing her from the grasp of this inexorable lady; taking her from the convent amid the execrations and loud abuse of some priests in attendance, and the determined hostility of every officer of the establishment. Nobody will be surprised to learn that the rescue came too late, and that the helpless sufferer soon sank under her afflictions. Her brother lives to endure a persecution from his co-religionists for having acted on the dictates of affection and humanity, such as those only can appreciate who have been called to suffer it. And now, if there be any one who still clings to the vain imagination that nunneries are not now what they were in the middle-ages, I ask him, what instance of conventual tyranny in the darkest period of our history can go beyond the story I have just related? The despotic power of the Lady Abbess seems to have been exercised for the mere pleasure of exercising it; for there could be no reasonable, or even plausible, objection to the requests which were urged. The physician called in was a Roman Catholic; the place of removal was a nunnery—the brother and his family were all devoted adherents of the papal communion—and the sanction of their bishop had been asked and obtained. There remained no obstacle but the absolute will and authority of this Lady Abbess, who had decreed that the patient should be sent to an affiliated convent in a foreign country. Another objection taken to any legislative interference with nunneries is, that such interference would give a kind of official or State sanction to them, which is very undesirable. But it is impossible to pass an Act to remedy any wrong without recognising its existence, and hence this objection is worth very little. Besides the official sanction alluded to is already given, because the exceptive clause of the Roman Catholic Relief Act, to which I have already called the attention of the House, very explicitly recognises these institutions. Whatever disadvantage, therefore, may be supposed to result from the legislative admission that nunneries exist is already incurred, and cannot reasonably be urged as an objection to new controlling enactments. Now, Sir, I want to know from the Government what their sentiments really and honestly are on this question. A very active whip against me to-night indicates on their part a strong desire to quash this inquiry. But is it not a very grave matter? Will the noble Lord the Member for the City of London (Lord J. Russell) venture to predict what will be the number of these institutions in ten or twenty years' time, if they continue to multiply at the rate of progress of the last few years? Twelve years hence there will be 1,000 convents and in twenty-five years there will be 3,000 or 4,000, with 40,000, or 50,000, or 60,000 nuns, and no one knows what amount of property. There is a dispute, I see, between Dr. Wiseman and Mr. Hobart Seymour as to the sum paid as the dower of a nun; and I am glad to see that the late Solicitor General for Ireland (Mr. Whiteside) proposes to introduce a Bill on this subject of conventual property, for whether the amount of dower be 200*l.* or 400*l.* it is quite clear that there is a large and constant flow of wealth into these establishments and no flow out of them. We know, that, at the time of their suppression, at the period of the Reformation, it was found that one-fifth of the whole property of the country was in their hands. We know what their numbers were at that time, and I will venture to say that we shall soon see them rise to their former level, both as respects numbers and wealth. I do not hesitate to affirm that they never multiplied in this country before the Reformation, at the rate at which they have multiplied lately. At some point or another the Government must interfere. When will they do it? Will they do it when there are 220; or will they wait till there are 880; or will they procrastinate until there are thousands of convents in the land? Will they interfere when they have only tens of thousands, or will they wait till they get millions of the property of the country into their hands? When, and how, and under what circumstances will the Government interfere? It is surely easier to legislate now, than at a later period; this surely is the right time to interfere—to interfere in the way in which our ancestors in every age have thought it right to interfere—by legislation—and if legislation be postponed from time to time without reason, what will be the result? Somebody will have to contend with the difficulty; some Government which will sit upon those benches must grapple with it, when the arguments for interference would be no stronger than now; but the difficulties to be contended against will have multiplied indefinitely. This is not a question, Sir, to be parried by some easy compliment to sisters of charity. It is idle to say that I seek to put an end either to that class of persons or to the class of cloistered nuns. If my Bill of last year had been passed, sisters of charity might still have described their rounds of benevolence, and cloistered nuns discharged their routine of observances with the same freedom as before. Catholic ordinances, Catholic rituals, Catholic symbols, Catholic institutes, would all have been free, as now, to the adherents of that faith. I say not a word against sisters of charity; no doubt they do much good; nor do I say a word against cloistered nuns, who, though they do no good, act no doubt from conscientious motives in the course which they adopt. But the question is this, are these institutions, exempt as they are from control, both of law and of public opinion, safe religiously, socially and politically. If the noble Lord (Lord J. Russell) is of that opinion, let him get up and say so, and let the sentiments of the Government be known upon the subject. But, for my part, I feel, more and more strongly, that these establishments, affiliated and linked together as they are, form an integral and important part of the most subtle, the most sagacious, the most profound, and the most successful and enduring scheme of Government which has ever been founded on the face of the earth—I mean the Papacy. In proportion as they flourish do the political schemes of that Government flourish; and in proportion as they fade would that Government be found to fail. Can the noble Lord look at the politics, ecclesiastical progress made by the Church of Rome of late years and not see that there must be some cause for it? The increase of conventual establishments, does not represent and result from an increase in the number of Roman Catholics by new converts or otherwise; but, on the contrary, they multiply in the face of a continually decreasing number of real members of the Roman Catholic Church. They have nothing to do with the increase of the members of the Romish Church, but they have everything to do with the spread of the Papal power. Then, to look again at these establishments as places of education—for they are employed extensively and systematically as places of education—how are the generation to whose care we must commit all our institutions being brought up? I do not object to the youth of both sexes, the offspring of Roman Catholic parents, being instructed in Roman Catholic teaching; but I do object strongly to their learning it in monasteries and nunneries. We must look seriously at this matter. We shall have to contend with this evil of a conventual spirit and system in this country, when the generation now being instructed in tenets and opinions fatal, as I think, to our national institutions, will be grown-up men, and will stand up in this House, and elsewhere, to argue and to act upon the principles which are being so assiduously instilled into their minds by their priestly instructors. It is not, therefore, a question of mere sectarianism; it is a question of the British Constitution. It is a question of the safety and stability of those bulwarks of our liberty, every slope and angle of which has been arranged to meet the flow and pressure of that glorious tide—a free Christianity—I don't mean Protestantism, though I hold that to be the freest of all the developments of Christianity which the world has seen; but I mean a free Christianity as distinguished from the most obsequious and slavish form of religion ever known in this country, and which now prevails among the British Roman Catholics. In Roman Catholic times we had a free Christianity, though not a pure one; but now we must lament the loss, so far as our Roman Catholic fellow-countrymen are concerned, both of the freedom and the purity of the church. Sir, it appears to me that the slavish system of education adopted in religious houses;—that those institutions themselves are altogether hostile to our free Government; and that our constitution cannot be safe whilst surrounded by such insidious and unscrupulous adversaries, and environed by new, ill-understood and increasing perils. I beg, Sir, to move the Committee of which I have given notice.

Mr. NAPIER, in seconding the Motion, said, that in the course of last year a Motion substantially the same was submitted to the House, but he was so much struck by the arguments and observations of the noble Lord (Lord J. Russell) that he did not vote at all upon the Motion. He waited until the Bill was introduced, and then he considered the Bill was not one which he ought to support, and he spoke against it. The hon. and learned Member for Bath (Mr. Phinn) had proposed an Amendment to the effect—

> "That the Bill be referred to a Select Committee to consider whether any and what regulations are necessary for the better protection of the inmates of establishments of a conventual nature, and for the prevention of the exercise of undue influence in procuring the alienation of their property."

Now, with respect to the latter part of that Amendment, he (Mr. Napier) not only at that time thought that there might be some legislation on the subject, but he had come pretty much to a conclusion in his own mind as to what that legislation ought to be; and he was happy to find that his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside) had given notice of his intention to move for leave to introduce a Bill, which he hoped would go far, as far as that part of the question at least was concerned, to bring about a satisfactory solution. With respect to the inquiry, however, involved in the first part of this proposition, "Whether any, and if any, what further legislation is required on the subject?" was a far more delicate and a far more difficult question; and he had thought, and thought still, that in approaching that question, and endeavouring to deal with it, they ought to act with the greatest caution and the greatest deliberation. But he must confess that he was struck with the circumstance, that in every Roman Catholic State in Europe there were regulations of a very stringent and restrictive character with respect to convents and conventual institutions. That showed him that this, after all, was not a religious question in the usual sense, although he by no means intended to imply that his own religious convictions had not exercised a very material influence in the views which he had taken with regard to it. He found, however, that even Roman Catholic States had very jealous codes of laws with respect to these institutions; and when he inquired the cause of this, he found that their object was to preserve their independence as against Rome, and to keep their subjects under the protection and supremacy of their own laws. Now, the question came to this, were the laws of this country in a satisfactory state with respect to these institutions? He would take, first, the case of convents, and afterwards consider that of other institutions which were bound by monastic vows. Conventual institutions were of two kinds. There were some which were got up by individuals, and were in the nature of private societies; there were others which were under regular religious orders, and emanated directly from Rome. In these latter convents the inmates were bound by vows of poverty and obedience. This was an essential part of their system, and the vow of obedience could not be dispensed with by the bishop in this country—it could only be dispensed with by the Pope. The consequence of this was, that they had a vow of obedience, surrendering the personal freedom of the individual to an authority over which the laws of this country could have no control; and the more conscientious the person was who took the vow, the deeper the religious feeling, the stronger would be the obligation which that vow would impose. Now, he held that the personal freedom of every individual of this realm was an item of public property, and that it was the duty of every State to maintain its own independence and the supremacy of its own law, to have its own institutions under its own control, and to protect the personal freedom of its own subjects against any foreign Power not responsible to the law of the land. He thought, therefore, with respect to these institutions, that the vow of obedience which the inmates were required to take clashed directly with the constitution of this country. He came now to the vow of poverty. What was that? It was a surrender of all property to the convent. Now, he observed that his hon. and learned Friend the Member for the county of Carlow (Mr. J. Ball) had put as an answer upon this part of the subject, which answer was in these words:—

> "That it is not just or expedient to subject to Parliamentary inquiry associations of ladies devoting themselves exclusively to charitable and religious objects, who do not possess, or seek to possess, any peculiar legal privilege or immunity."

In that proposition he entirely agreed; and whenever his hon. and learned Friend might put it forward in a proper form, as a distinct and independent proposition, it should have his cordial support. He was quite ready to say that it was neither just nor expedient to subject to Parliamentary inquiry associations of ladies who neither possessed nor sought to possess "any peculiar legal privilege or immunity;" but when they had to deal with associations whose members sought to exercise privileges and immunities which were peculiar and illegal the case was materially altered. Yet this was the best answer which his hon. and learned Friend—anxious, no doubt, with the best advice that he could get, to propose the most skilful Amendment that could be framed—had been able to give to the proposition which was now before the House. But he was adverting to the vow of poverty, and he was about to direct the attention of the House to the effect of these two vows according to the law as it stood before the Reformation, and to the practice of these convents at present. Before the Reformation they amounted to civil death; so that here were persons bound by vows which before the Reformation cut them so much off from the law that they were considered to be civilly dead, but with respect to whom it was nevertheless contended that they were not seeking to possess any peculiar legal privilege or immunity. What was the mode now taken to put the convents in possession of the property of those who entered them? The nun, upon her entrance, made a will—so completely was the fact of her becoming a nun regarded as a death to the world—and under the operation of that will the convent claimed the property of which at her death she might be possessed. They were more consistent before the Reformation, because at that time the person who had entered a convent was considered to be civilly dead, and could of course acquire no property afterwards. Was this state of things, then, consistent with our institutions, or with the Constitution of this country; he maintained that it was not. Nor did he consider it a satisfactory state of the law, that these places should be permitted to go on not only amassing property, but bringing both person and property under the control of a different set of laws than the law of this land. This was his substantial objection. He maintained that the laws of this land covered every inch of ground within it; that the persons shut up in these convents could not shelter themselves from the operation of British law by cutting themselves off from the world; that as the world may, so the law ought to find its way within these inclosures; and that it was not consistent with the spirit of our institutions, or even within the principles of the Constitution itself, to allow any class to remain otherwise than properly protected in the possession of that personal freedom and of that control over the free disposition of their property to which they were undoubtedly entitled equally with every other subject of the Queen. He admitted fully and freely that if the inmates of these convents were there of their own free will—if they had disposed of their property of their own accord—then, however he might think them wrong, he should have no right to interfere with them except by argument. For as Coleridge said in one his papers called the *Friend*, "those who were entrapped by false opinions could only be liberated by convincing truths." If, however, there were persons in these places who were not there by their own free will, or who having entered willingly in the first place, perhaps when under age, or under the influence of strong religious impressions which had since subsided, or when struck down by grief, did not wish to continue in them, but were desirous to recover their liberty—surely in that case some remedy ought to be provided. It was admitted that the Habeas Corpus Act did not afford sufficient remedy, for it was expressly upon this ground that the hon. and learned Member (Mr. T. Chambers) had framed his Bill of last year. He had objected to the provisions of that Bill, and had given his vote against it, thinking it better to allow things to continue as they were, than to allow such a measure to pass. He thought, however, that the subject required grave consideration, and he hoped a Committee would be appointed, who might discuss the matter with that temper and deliberation with which a question affecting the feelings and opinions of a large number of their fellow subjects ought to be approached. With respect to the question of property, the law interposed its protection in cases in which the relative position of the parties was such as to afford an opportunity for the exercise of undue influence, as in the case of guardian and ward, husband and wife, solicitor and client. But could any case be supposed in which undue influence was likely to be brought to bear with so much effect, as in that of an ecclesiastical superior, dealing with a person of strong religious impressions, possessing a large property, and particularly if that person were a female? But the relation of husband and wife was recognised by law, while the relation between the inmates of these convents and their ecclesiastical superiors was not so recognised; and this was the reason why the law interposed and provided a remedy in the one case, while it gave no remedy in the other. It was said that the courts of equity could give relief, but experience had proved how difficult it was to get the evidence on which a court of equity could act, except under peculiar and special circumstances. The Roman Catholic Relief Act had been cited by the noble Lord the Member for London (Lord J. Russell) as having recognised the legality of nunneries. It had, however, been decided by two courts of law in Ireland, and by two in England, that it did not; while it exempted associations of females from the penalties which it enacted in restraint of monastic orders, it left their legal *status* precisely what it had been before. The Lord Chancellor of Ireland, in giving judgment in a case which had come before him, had made the following observations bearing upon this point:—

> "That the doctrine of disability was fully recognised by the law of England in the time of Henry VIII. is plain, and also that there has not been any Act of Parliament deciding it at an end, and consequently the question of how it is now situated must be determined by a reference to the authorities bearing on the question; and the conclusion to be arrived at from a consideration of the full series of such is, that to give this doctrine force would be to recognise the authority of the see of Rome, which is forbidden by our English law. There did not exist any law against nuns, for the laws of Henry VIII. had reference only to those which were surrendered to him by their heads; and the enactment of William III. cap. 1, sec. 8, enjoining magistrates to issue warrants for the suppression of nunneries, shows that they were then recognised as existing. The legislation for years was manifestly directed against such orders in this country; but the portion of the Act of the 10th *Geo.* IV. which is important is the 37th section, which provides that nothing therein 'shall interfere with females bound by religious vows;' but as to what extent that Act served to legalise these institutions, there is not much authority to inform us, except the case decided by the Master of the Rolls here, to the effect that the *status* of females was not altered by that Act, but merely that the penal laws in reference to them were repealed; and also the decision of Connolly *v.* Connolly, in England, to the same purpose; so that, as far as these cases go, it has been decided that the Act of Geo. IV. only exempted these persons from penalties, but did not give them any further *status*. The spiritual jurisdiction of the see of Rome is denied by the law of England. All these institutions derive under that see, and therefore it would be difficult to give any weight to this doctrine of profession. It is said that it has been recognised by the Legislature, and that such institutions are not unlawful; but looking to the strong language of the 2nd *Eliz.* cap. 1, it would be difficult to maintain that the incidental recognition which has taken place in the Catholic Relief Act is of sufficient importance to import the law of disability once more into the law of England. It has been said that profession was not 'triable.' If this was the only argument, it would be of little weight, for the 'Templar's case,' and other authorities, prove that if the doctrine of profession is established by law, the law will find some method of trial without the certificate of the superior. On the whole of the case I am clearly of opinion that I should not refuse the prayer of this petition. The Statute of Elizabeth denies all spiritual jurisdiction to the see of Rome, and although it is said that the Relief Act has recognised the rights of parties then existing, such recognition is not sufficient to repeal the canons of the Church, and it would be against law to allow them that effect which they had long before."

This view of the question was confirmed by the speeches of Sir Robert Peel, at the time that the Roman Catholic Relief Bill was in progress through Parliament. He stated that the object of those clauses being introduced was not to protect or to confer a privilege upon Roman Catholics, but as Protestant safeguards, and with a view to the security of the Protestant establishment, and the Government and Constitution of this country, and to leave the Roman Catholic religion exactly on the footing on which it had stood before. The Motion before the House proposed the appointment of a Committee to consider whether any, and, if any, what further legislation was required on the subject of conventual and monastic institutions. Before the Emancipation Act was passed a great deal of evidence was obtained with regard to the nature of the Roman Catholic religious orders, and much care was taken in ascertaining the relation of those various orders to the State. It was known that the agency of these orders had always been a most important element in the policy of Rome. In the Appendix to the 8th Report of the Education Commissioners, at pages 162 to 171, hon. Gentlemen would find most valuable evidence, which was given by several professors at Maynooth, as to the constitution of the monastic orders. That evidence stated that a person in these monastic orders, who took the vows, had no will of his own; that he had no command of his actions; that the superior of the order had control over him; and that the general of the order, who resided at Rome, had command over the superior; so that these persons were bound by a succession of links in a chain the end of which was at Rome. When the Duke of Wellington introduced the Emancipation Bill, on the 2nd of April, 1829, he used these remarkable words:—

> "The measure which I now propose for your Lordships' adoption will prevent the increase of such establishments, and without oppression to any individuals, without injury to any body of men, will gradually put an end to those which have been already formed. There is no man more convinced than I am of the absolute necessity of carrying into execution that part of the present measure which has for its object the extinction of monastic orders in this country. I entertain no doubts whatever that, if that part of the measure be not carried into execution, your Lordships will very soon see this country and Ireland inundated by Jesuits and regular monastic clergy, with means to establish themselves within His Majesty's Kingdom."—[2 *Hansard*, xxi. 56.]

This was the statement of a man who was well acquainted with foreign countries, and who, seeing what was the effect of the agency of these bodies in other places, had thought it necessary to resort to strong measures with regard to them at home. The Bill provided that the persons who were then under monastic vows should be registered and licensed, but that others coming in should be liable to banishment for life; and this in a measure introduced to carry out the principles of civil and religious liberty. It was therefore evident, when the Duke of Wellington and Sir Robert Peel resorted to such strong measures, how important they considered these regulations with regard to monastic orders, and it was also clear that they considered the increase of those orders would be fraught with peril and danger to the country. He (Mr. Napier) was willing to admit that the law framed by these wise and able men had not accomplished their object.

Mr. Napier

Certain it was that it had been ineffectual; and, in his humble opinion, nothing was more unwise than to have a law on the Statute-book which was incapable of being carried into execution, or was defeated by connivance, or was only enforced upon some rare and special occasions. Those who sought to infer from the existing state of things that the evil was incapable of cure, might be met by the suggestion on the other side, that there might be other remedies which had not hitherto been tried. The prohibition, however, as had been predicted by the Duke of Wellington, had been disregarded—the country was inundated with the members of these orders; and the Statute of Thurles, confirmed at Rome, even directed them to come here, and to take their stations at particular spots, although the Emancipation Act declared that their doing so should render them liable to the punishment of transportation for life. Was it not right to consider, then, whether some substitute for the law which had thus been contravened could not be found? If no remedy could be suggested, it would be far better to do away altogether with any enactments which they could not enforce; but, before they could come to that conclusion, it was their plain duty to consider the subject fully, with the best advice that they could get. All that was asked for was inquiry, and there was no necessity for conducting it in such a way as would wound the most sensitive mind. He was the last to wish to invade the territory of conscience, or to intrude upon domestic privacy, but he was anxious that the House should consider whether something might not be done to give the inmates of these conventual institutions at least a periodical opportunity of declaring whether they were there of their own free will. He would submit to Irish Members themselves, whether it would not be wise to consent to this inquiry, instead of going into a debate which might give rise to a display of temper and angry feeling. There was no wish to go further than was really necessary to maintain the authority of our law; but, as far as he was concerned, he would stand up firmly for the independence of the laws of this country against any foreign power whatever, and for giving to every subject of this realm the full and free protection to which he was entitled. The necessity of some law to prevent property from being taken away from families, and absorbed in these institutions, was admitted by many of the most intelligent and influential even of the Roman Catholics themselves.

MR. M'CANN said, he merely rose to contradict the statement contained in the letter read by the hon. and learned Member for Hertford (Mr. T. Chambers) to the effect that there were 100 priests in Drogheda. He (Mr. M'Cann) had known Drogheda all his life, and there were precisely fifteen priests there. There was not a statement in that letter that was not every bit as true, and not a bit truer, than the assertion that there were 100 priests in Drogheda. He had attended the meeting referred to in the hon. and learned Gentleman's letter, and he could assert, with a very safe conscience, that there was not a word in the letter respecting it which was not utterly untrue. It was all very fine for the hon. and learned Gentleman to disclaim the intention of insulting the Catholic Members of that House at the very moment that he was making charges and dealing in imputations which could not but be offensive to Gentlemen of that persuasion.

MR. JOHN BALL said that, having listened attentively to the speeches of the mover and seconder, he was more and more puzzled to know what was the proposition which the House was called upon to discuss, and what was the nature of the proceeding on which it was called upon to enter. If he had proposed an inquiry into the management of charitable institutions in England or in Scotland, based upon rumours of abuses therein existing, the first question probably which would have been put to him would have been, whom he represented? what interest he had in the question? and whether he was authorised by any who had been injured or wronged to bring their grievances under the consideration of that House? and if it had been found that no single person had come forward to complain, either through himself or anybody else, he thought the proceeding would have been received with very great suspicion. But if, in addition to that, it had turned out that, instead of coming forward to testify, upon his own knowledge, that which he knew to be true, or that which he had reason to believe upon the statement of the parties interested, he was merely the representative of a platform—of persons who knew nothing whatever of the institution which they undertook to condemn—that he was merely taking up flying rumours and reports picked out of the fourth pages of newspapers—he thought that, even if he had had the great ability of the hon. and learned Member for Hertford, he should have been told to turn his ability to some better account in the present state of public affairs. The hon. and learned Member had referred to the increase which had taken place in the number of conventual institutions; but he omitted to state that, of the number which he represented to exist, there were no more than two which were not devoted to the purposes of education—to the visitation of the sick and poor—to the relief of the poor in hospitals—or, lastly, to the reformation of sinners. There were, in England and Wales, thirty-four institutions belonging to Sisters of Mercy or Charity—ladies whose services were well known throughout England and the whole civilised world. There were thirty-seven devoted to the education of the poorer classes, and there were twelve others devoted to various objects of special relief. In Ireland there were forty-five convents for mercy and charity, thirty-nine for the education of the poorest class, and twenty-three for the education of the rich as well as the poor. There was not in the whole of Ireland a single conventual institution which did not come under one or other of these heads. Many of these convents, it should be remembered, had voluntarily subjected themselves to inspection—not of their private affairs, but of those matters with which they were in any way connected with the public as managers of schools and hospitals. If hon. Members, instead of listening to anonymous gossip, would consult the authentic official documents contained in their own library, they would find, that, of the thirty-seven industrial schools for females mentioned in the last Report of the Commissioners of National Education in Ireland, twenty-five were convent schools; and the strongest testimony was borne by persons in responsible positions, and well qualified to judge, to the value of these schools, in spreading not only education, but industrial teaching, among the poorest classes in that country. Before a Committee, of which he (Mr. Ball) was a member, a Protestant gentleman of much experience and authority, Mr. Berwick the assistant barrister for the county of Cork, had made the following statement as to the convents in and near the city of Cork:—

"There were facts made known to me which excited my admiration and astonishment with regard to their number and their success; from 800 to 1,200 children were in some schools, educated of course in the Roman Catholic religion; but educated also in useful employments and useful knowledge in a way which quite astonished me. The last one I was at was in the convent of Black Rock; there were, I think, 300 children in the school, and I was told last year they made, by work alone, 1,400*l.* I think I made out that there were upwards of 3,000 children in these schools within a few miles of Cork."

He (Mr. Ball) had, on a former occasion, drawn attention to the statements circulated through the country for the purpose of keeping up this agitation. Some of them were of so infamous a character that it was perfectly astonishing to him that hon. Gentlemen, if they did bring forward these questions in the House of Commons, did not at once dissociate themselves entirely from the persons—persons connected with the same associations as themselves—who propagated these scandals. The hon Member (Mr. T. Chambers) had begun by a skin them to appoint a Committee to inquire into the number and the increase of convents in this country; but the hon. and learned Member had himself given them all the information to obtain which he proposed that Committee. There were in Ireland 1,085 inmates of religious houses, and in England about 500; and in his (Mr. Ball's) conscientious belief, it would be a benefit to the country if their number was increased. And that statement he made not in his capacity as a Catholic, but simply in the capacity of one interested in education, for he saw no other such educational agency brought to bear on the poorer classes. One lady alone had, in the course of her life, instituted no fewer than twenty-seven convents—eleven in Ireland, one in England, thirteen in the British colonies, and two on the Continent, and through the means of these institutions education was afforded to many hundreds of the upper and middle ranks and to thousands of the poorest classes of the community. Would not that party which claimed for itself a monopoly of religion and benevolence, better prove its sincerity by imitating the conduct of that lady, than by making such efforts the object of unprovoked hostility? No matter whether hon. Members were of the Catholic religion or not, they surely must admit that it was better for the poor to receive education from ladies such as these, than for them to be left to take their chance of the general establishment of national education in this country. He believed the hon. and learned Member (Mr. Chambers) expected to alarm the House by his statement of the number of convents, but he had no doubt the House, looking at the moral and religious state of so many of our towns, would feel that with Catholics it was merely the discharge of duty to endeavour to extend as widely as possible the salutary influence exercised by the pious and exemplary ladies, the inmates of those institutions. Passing from that topic, the hon. and learned Mover of the Motion before the House had called their attention to the fact, that at present the monasteries, as constituted, were contrary to law—that convents had no relation to the law. The right hon. and learned Gentleman (Mr. Napier), lately a law officer of the Crown, had, however, informed the House that the Statutes making these houses illegal were inoperative; and that being the case, he (Mr. Ball), finding the law inoperative, thought the best way would be to leave it as it was. The hon. and learned Gentleman (Mr. Chambers) had expressed his great surprise that convents were not brought within the purview of the Government. He (Mr. Ball) thought it was the boast of Liberals—and he believed the hon. and learned Member called himself a Liberal—that the only duty of the Government was to prevent wrong, and to regulate rights where it conferred rights. How was the case of convents analogous to that of benefit and friendly societies, which had been referred to by the hon. Member? Benefit and friendly societies were regulated because the law conferred certain advantages and privileges on them; but he suspected no such conferred advantages could in this case be pleaded as giving any special right to Government control and interference. The hon. and learned Member had told them a few stories in support of his arguments; but the principal peculiarity of his cases seemed to be that not one of them would be touched in the slightest degree by any legislation. The hon. and learned Member, therefore, if he wanted the Committee, must want it for the express purpose of inviting persons to come forward with every description of stories against convents, which stories, it would be exultingly said, were unrefuted, unless met by the ladies themselves. They could scarcely, then, be surprised that Catholic Members refused to associate themselves with any such proposition. Those Catholic Members, it was to be remembered, did not raise any objection to the present state of the law or to any laws which should apply uniformly to all classes of the community. They asked only that Catholic ladies, associated in religious houses, should not be exposed to special, exceptional, and oppressive legislation. With reference to the question of property, and speaking for himself, he could only say that if the House should adopt legislation similar to that which existed in many other countries, and should require that all acts regarding the disposition of property by females should be executed before a public officer or notary, he did not believe that the inmates of any convent would regard such legislation with any objection or alarm. As to the newspaper stories, they only showed the utter want of substance there must be in all the accusations they represented, and of which they were given as specimens. His conclusion was, that if the House as a body did think some legislation on this question necessary, the facts being perfectly patent to all the world, then it was open to any hon. Gentleman who thought it practicable and desirable to propose such legislation. But, the facts being so patent, there could be no need for a Committee, whose operations must be worse than useless—this, most certainly, not being the time for opening the door to discussions and disputes, and arguments and controversies, beyond all others irritating and offensive to Catholics. He admitted, hon. Members would understand, that in their relation to the public, in so far as they undertook anything in which the public was fairly interested, the inmates of convicts did create a certain right of inquiry and investigation into their proceedings. Persons who opened schools, persons who opened hospitals, persons who opened establishments, in which the welfare of the poorer classes was concerned, did thereby invite inquiry into the manner in which they conducted those institutions. To such inquiries he was quite sure the inmates of convents would be the last to object, and of such inquiries he was equally certain the result would be highly honourable to them. But that was their relation to the public. It was quite another matter when you asked to inquire into the intimate, and social existence of these persons in their private capacity; and he did not think any man in that House would, without the very strongest grounds, institute an inquiry into the private character, conduct, and conversation, of any ladies in this country, even though they might not be of his own religion. He was perfectly sure that there had not been one tittle of reason shown for such proceedings in reference to the ladies who were the occupants of these religious institutions. It was, moreover, most undesirable to disturb this question at all, for there was no single point on which the feelings of Catholics of all classes were so intensely susceptible as on this. It was impossible it should be otherwise. Let the House but recollect how the poor man—Irish or English—looked to these ladies, under every care and affliction, as the persons from whom, above all others, he was sure to meet with help and consolation. To them he confided the education of his children, certain that from them those children would receive, not merely instruction, but that training in religion and in virtue which had made the poorest class of his (Mr. Ball's) countrywomen a model to the poorest class of women throughout the world. It was from these ladies, too, that he received relief when sick; it was from them that he received consolation when dying; by their voices he was cheered when on the passage to eternity; and to them he entrusted those whom he would leave orphans for their care. How could you expect these people, then, to hear with indifference propositions which could not but be deeply wounding? The ladies about whom it was proposed to inquire belonged to the same class, and were equally cultivated and refined, with hon. Members' own sisters and daughters; and they were the persons into whose private lives it was proposed to institute a scrutiny. It was only necessary to appeal to the feelings of gentlemen—of men—whether they could expect that Catholics should give the slightest assent to such an intrusion as that proposed. Some Members were ready, he believed, to vote against a change in our political institutions, on the ground that at the present time it was unwise and dangerous to excite political animosities; and of those Gentlemen he confidently asked, was the same time opportune for stirring up the bitter waters of religious strife? Is it at the moment when the whole nation stands listening for the first cannon in the Black Sea or the Baltic, that it is to summon it to deadly, it may be to a desperate, encounter, that they will needlessly meddle in a matter so offensive and irritating to the feelings and convictions of a large portion of the empire, and so certain to breed discord and discontent. He believed there would not be the slightest chance for this Motion, if the votes of hon. Members were given by ballot; they were allowing themselves to be guided by outside influences, and they who so often warned Irish Members against agitation should now make some sacrifice for the purpose of resisting what they must, in their hearts, know to be a most mischievous professional agitation. No doubt, there was in Ireland a party thoroughly disaffected to all our established institutions, who said that from this House they could get no justice, and that it was hostile to them, their interests, and their religion. He believed it had been said that such a party was not altogether without representatives in that House. If the House wanted to confirm all the worst things said by that party, it should enter upon the course of religious aggression now recommended to it. For it must be recollected that, if what those who advocated the aggression said was true, we ought not to be content with the appointment of Committees. We ought to raze these convents to the ground; we ought to drive the Catholic clergy from the country; and we ought to deprive the Catholic laity of the franchise. A stand must be made somewhere; and he called upon the House and the Government to save themselves future fruitless discussions of this kind by making it resolutely now. On the whole, considering what had passed in the present discussion, he considered it would be better not to propose the Amendment of which he had given notice.

MR. POTTER said, he could assure the hon. and learned Member for Hertford (Mr. T. Chambers) that, notwithstanding his declaration to the contrary effect, he had managed to insult every Catholic in that House. It was not his intention, however, to do anything more than to mention that in the work, not of an Irishman, not of a Catholic, but of a gentleman whose character stood deservedly high in the metropolis—he alluded to Sir John Forbes, physician to Her Majesty's household—full testimony was borne to the exertions of the noble Sisters of Mercy in Ireland, who, Sir John Forbes stated, were constantly to be found where good was to be done. Sir John Forbes travelled through Ireland a few years ago, and his testimony on the subject must be regarded as perfectly unbiassed when he declared that the establishments in question throughout the country were fountains of good to the localities in which they were situated, and might not only be permitted but encouraged, both in the Roman Catholic and in the Protestant churches. For his part, he believed that institutions which had worked so much good for every class of the community ought rather, instead of being discouraged by legislation, to be made the objects of their greatest care and solicitude. If this subject were revived at the present moment, he could not but think the result would be a most unfortunate one as regarded Ireland.

MR. R. PHILLIMORE said, he wished in the outset, to congratulate his hon. and learned Friend (Mr. T. Chambers), on the great moderation which had characterised his speech. He believed that any person who wished to offer an opinion upon the present question was placed in a position very considerable embarrassment, because if the hon. Member, whoever he chanced to be, voted in favour of the proposition before them, he exposed himself to the imputation of being classed with those whom his hon. and learned Friend the Member for Carlow (Mr. J. Ball) had rightly declared to be persons engaged in spreading most foul and calumnious libels upon Catholics and their religion, while, on the other hand, if any hon. Member opposed the Motion of the hon. and learned Gentleman, in so doing, he subjected himself to the suspicion of unduly favouring the Roman Catholic religion. He could assure the House, however, that if the Motion now before them carried with it any of those consequences to which the hon. and learned Member for Carlow had adverted, it would meet with no more stern opponent than himself. If for one moment he thought that the object of that Motion was to drag before a Committee composed of all sorts of persons, and entertaining all shades of religious opinions, ladies of high birth and gentle feelings, to torture them with an examination as to their private conduct and religious concerns, he would say he could conceive no proposition more monstrous, or none which ought more readily to meet from any assembly of Englishmen with general condemnation. But if it was merely intended to inquire into the increase of convents and monastic institutions, and into the relation in which they stood to the law, and to consider if any, and if so what, further legislation was requisite on their behalf, if that were the *bonâ fide* object of his hon. and learned Friend's proposal, then he must say that the question assumed a very different aspect indeed. He was bound to confess that these institutions, as regarded the existing law, were in a position wholly anomalous, and he must add, extremely inconvenient. For no one could rise in his place and affirm that there was a kingdom in Europe in which conventual establishments stood in a relation to the law similar to that which they held in England. But it might be said by hon. Gentlemen professing Roman Catholic opinions, "Aye, but in all those countries the Roman Catholic was the established religion of the State, and that the Government and executive authorities were Catholic." [Mr. LUCAS: Hear, hear!] But he begged to remind the hon. Member for Meath, that, according to the law of Prussia he believed at this moment, but certainly not long ago, there were two regulations in force on the subject of such institutions of the most stringent character. The first was, that the approbation of the State was necessary to confirm the appointments of all heads of religious houses; and, secondly, that no subject of the King could be admitted into a monastery without the knowledge and permission of the Government. Now, he had never heard that Roman Catholics had complained of that state of the law as a hardship. But it might be contended, however, that the speech of his hon. and learned Friend, not his Motion, went a great deal further than the state of the Prussian law; no doubt that was so, and he felt bound to confess that if he (Mr. Phillimore) was obliged to give his vote on the grounds alleged by the hon. and learned Member, he would be compelled to refuse the Motion his support. For, he must say, his hon. and learned Friend had greatly weakened his case, as well as lowered his character, which stood deservedly high before that House, by condescending to adopt that idle newspaper gossip, which, after all, when it came to be examined into, really told more against than in favour of his argument. It could not fail to be gratifying to the Roman Catholics in that House to observe the extreme feebleness of the evidence adduced by the hon. and learned Gentleman. Surely they could not condemn a person of even a notoriously bad character upon facts so trivial, ill-supported, and so flimsy. He must take this opportunity of strongly condemning a practice, apparently increasing in this House, the practice of reading anonymous letters in this House, as evidence of the facts alleged in them. But to return to the main subject under discussion. There were two circumstances, one of law and one of fact, which could not be denied. The one was, that the state of the law upon the subject was most anomalous and inconvenient; and the other was, that it was quite possible to alter the law without being offensive to the Roman Catholics, and yet rendering it more consonant with the spirit of the Constitution. No person who was at all conversant with cases in which the testamentary bequests of Roman Catholics were concerned, and still more with cases in which that most delicate of all subjects, the matrimonial obligations of Roman Catholics, were involved, but must see that, when the Roman Catholic Relief Bill was passed, great omissions had been made in its provisions. He had his own opinion as to the cause of those omissions; he believed that it had been expressed long ago by one of our most eminent statesmen, Lord Grenville, from whose lips it was his privilege to have learnt the first maxims of political wisdom, when he said, in answer to the opponents of Roman Catholic Emancipation, "You will wait till the measure can neither be graced by spontaneous kindness, nor limited by deliberative wisdom." [Lord JOHN RUSSELL: Hear, hear!] But the fact was so, that that measure left those questions to which he had alluded wholly untouched and unprovided for. He himself had been engaged in a case that excited much attention at the time—it was the case of the Rev. Mr. Connolly, a Roman Catholic priest, who sought a restitution of conjugal rights from Mrs. Connolly, to whom he had been married before he entered into holy orders, and who, on separating from her husband, had entered into a convent in this country. That case was brought before the Judicial Committee of the Privy Council, and raised a most important point at law. Their Lordships ordered an alteration to be made in the pleadings, and that they should be amended. They never were so amended, and the case was not proceeded with. The case was that of a gentleman claiming the restitution of a wife to his home and children. The lady put in a plea against the demand of her husband—namely, that she was, by his own consent, at the head of a religious order, which, she contended, overruled the original contract entered into with her husband. To meet such a state of things there was no provision to be found in the existing law. Powers were vested in Roman Catholic institutions to which no parallel could be found. There was another case that occurred in Ireland that he would mention—namely, Fuller *v.* M'Carthy — in which the question raised was, whether a lady who had entered a convent was civilly dead or not? That question was left wholly undecided. When it was taken before the House of Lords, Lord Campbell and Lord Brougham said, in respect to that question, they were extremely thankful not to be called upon to decide a point of such great importance. Well, if the state of the law be as he had described it, surely it was most expedient to have some inquiry made into those institutions, with a view of remedying these defects in the existing law. Now, he was happy to say that he had many Roman Catholic friends in that House, and he must tell them he believed in his conscience that they were not advancing the interest of their religion in refusing to assent to this Motion. They had nothing, he verily believed, to dread from an inquiry into their conventual establishments. He believed that the charges which had been brought against them would vanish under such an inquiry; and by refusing to satisfy what might be an unworthy jealousy, but which was rapidly spreading throughout the country, he considered they were not doing justice to their own cause; they were aiding in disseminating the notion that they really had something to conceal, and they were giving some colour and plausibility to the scandalous statements which had been so industriously circulated. He should be very sorry, in what he said upon this subject, to hurt the feelings of any single person, and nothing was further from his intention than to do so; but, at the same time, he thought that this was a subject upon which a candid and fearless opinion should be given. Religious disputes within that House were always to be deprecated and discouraged, for, although hon. Members commenced them with the very intention of avoiding all that might sound ungenerous or appear unkind, they were almost certain, before they concluded, to be led by their passions into the extreme of which they were desirous to steer clear, and to allude to the very subjects which they had promised to avoid. He had heard several religious debates in this House, and never one in which its character had not been lowered. Admirably as it might fulfil its legitimate duties, it was the worst House of Convocation that could be devised. He entertained the most sincere and respectful sympathy for the ladies belonging to these institutions, and he thought too much care and delicacy could not be exerted in carrying any measures into operation which might affect their condition. He hoped, however, that now that the subject had again been intruded upon the House, it would be met seriously and earnestly, otherwise it would be renewed again Session after Session, endless discussions would take place, and all kinds of uncharitable rumours would be circulated and kept alive. If the law required alteration, it were good that it should be altered with as little delay as possible; but, at any rate, this subject ought not to be kept an open one, and the sooner it was settled one way or the other the better it would be, both for the country and the Roman Catholics themselves.

Mr. FAGAN said, he did not rise to say anything calculated to add to the bitterness of feeling which had been evoked by the hon. and learned Gentleman who had introduced the Motion. He rose simply to correct a mistake into which the hon. and learned Gentleman had fallen in the only case which he had brought forward in this country to substantiate his assertion. The case, of which he (Mr. Fagan) had a personal knowledge, was that of Miss Knight, who was the inmate of a convent at Taunton. He acknowledged that he felt an affectionate attachment to the inmates of that institution, and considered it quite unnecessary for him to state the reason why he did so. Of all those noble institutions to which his hon. and learned Friend (Mr. J. Ball) had alluded, no one stood more prominently useful than the institution at Taunton. Some of the ladies connected with it belonged to the noblest families in the country, and he asserted fearlessly that no finger could point at a single act in that convent which deserved the slightest reprehension. The case to which allusion has been made was simply this, and it made quite against the argument of the hon. and learned Gentleman (Mr. T. Chambers):—Miss Knight had been twenty years an inmate of that institution, and, during a great portion of that time, her companions had watched over her with love and tenderness, and her own family had, on all occasions, stated that to be the fact. Under the influence of disease, her mind became deranged, and her derangement turned on religious topics. It then became necessary, as it was not safe that she should stay in the institution, to consider how she ought to be disposed of, and the question was raised whether she should be sent to an institution in Belgium, which has been established for the treatment and cure of persons suffering under religious maladies, or whether she should be taken to an institution called the Good Shepherd. That was a Magdalen asylum, and, with a morbid feeling against the Roman Catholics, it was natural to suppose that, on a strange nun going there, calumny and slander would be evoked, not only against the lady herself, but also against the institution. Some discussion then took place in her family as to her being brought out and placed under the care of a physician. It consequently became a question of breaking the vow of inclosure. The hon. and learned Gentleman had disclaimed any intention of interfering with the conscientious feelings of the inmates of such institutions or of Roman Catholics. Now, the breaking of the vow of inclosure was a matter connected with conscience. The nuns could not give their concurrence to the violation of that vow. But the very moment that Miss Knight's family stated that the civil law would be brought into operation, the nuns, yielding obedience even in anticipation of the civil law, permitted the lady to be taken out by her family. It had been stated that Miss Knight died in consequence of the treatment she received in the convent. Now, what was the fact? The cause of her death really was her being dragged, as it were, from the convent; relative to which, with the permission of the House, he would read the statement of a person whose testimony could be depended on. The statement was as follows:—

> "On the 7th of April, when the Superioress saw Mr. Knight, he requested her not to tell his sister until the last moment that she was to be removed. About ten minutes before he drove up on the 12th, the Superioress told her that her brother was coming to take her away. She said she would not go, and appeared in an agony of fear, evidently perfectly conscious. She then asked if she were obliged to go. Upon being assured that it was entirely without our consent and against our wishes, but that we had no power to protect her against the laws of the country, by which her family assumed a claim upon her, all which she clearly and perfectly understood, she repeated, 'Then I will not go;' and, raising her hands and eyes to heaven, she said, 'The vengeance of God will come down upon them all, and you alone, dear mother, will be justified.' Two sisters were in the room besides the Superioress, and these words were the last that Sister Mary Clare addressed to her."

The circumstance of being forced from the convent under these agonised feelings operated seriously on her mind, and the result was her death a fortnight afterwards. That was the only fact adduced by the hon. and learned Gentleman in justification of his Motion, and, as he had before stated, it proved absolutely the reverse. He had no wish to take up the time of the House, otherwise he could show, in many other particulars, the extraordinary incorrectness of the facts as stated by the hon. and learned Member for Hertford. He firmly believed that most of the ladies in these religious institutions led a life, not only of goodness and purity, but of happiness and contentment, and he could not well see how it could be otherwise, when their habits and desires were considered. It was absurd to expect the House would grant a Committee, when no facts were brought forward in justification of the Motion for inquiry. He would admit that, in former times, something of the kind might have occurred. He would also admit that there existed provisions against discontented nuns, and that such nuns did exist, not only on the Continent, but in this country. But there were provisions in the convent rules relating to such individuals, and the simple rule was, that when such a case did occur, without the law interfering at all, the individual was at liberty to leave the convent, and arrangements were made which altogether justified her in so doing, even in relation to the vow of inclosure. Although the House had been threatened with such a Motion year after year, he trusted that the morbid feeling evoked in the discussions on the Ecclesiastical Titles Bill would pass away, and that this would be the last time matters of this kind would be intruded upon the House. He denied the right of that House to institute any such inquiry. It might just as well appoint a Committee to inquire into the private relations of any family in the kingdom, or into the mode of instruction and discipline adopted in a private school. He trusted that the House would get rid of the Motion by a large and decisive majority.

Mr. ROCHE said, as an Irishman and a Protestant, he was anxious to address a few words to the House on this very important subject. He objected to the proposition of the hon. and learned Member for Hertford upon principle; he objected to it, moreover, because he thought it was introduced in a bitter and disingenuous spirit. He thought it was ill-timed and in bad taste. It was introduced in a disingenuous spirit, because, while the hon. and learned Member detailed the state of the law as it affected conventual institutions in this country, he showed that, while the law pressed heavily upon the male conventual institutions, it had no control over nunneries. The Committee was moved for in the spirit of persecution, and the Motion was exceedingly ill-timed. While the Government were in the act of drawing up a declaration of war against Russia, the hon. and learned Gentleman evidently wished a declaration of war to be made against one-third of the inhabitants of the Kingdom, and against Ireland in particular. The Sovereign on the Throne had no more loyal subjects than the Roman Catholics. At this moment, in the Roman Catholic chapels in London, a pastoral letter from Cardinal Wiseman was read, and that letter was dictated in a spirit of the warmest loyalty, and he was going to say equally warlike. The Cardinal therein called upon Roman Catholics to rally round the institutions of their country and their Sovereign. While they had the people of Ireland recruiting for their standard, aided and assisted by the Catholic clergy, the hon. and learned Gentleman had the good taste to fling an insult upon the Roman Catholic part of the population. After the hon. and learned Gentleman had dwelt upon the dreadful fact, that young ladies sent by their parents to schools in these convents became discontented, and wished to be removed home, he descended again into generalities, and indulged in a vast deal of Exeter-Hall declamation against Roman Catholics. The hon. and learned Gentleman had not, however, a single fact of persecution to adduce. Now, what was the fact as regarded Ireland? There was not a single social institution there, from the Poor Law to the Encumbered Estates Act, which had done more real social good, which had spread more useful information, and which had infused more content and happiness among the people, than the cloistered nuns had, whom the hon. and learned Gentleman, in his wisdom, considered useless. In the county of Cork, which he had the honour to represent, there were eight or ten such cloistered institutions. One of those institutions, situated in the neighbourhood of Blackrock, Cork, had, for example, expended upwards of 1,000*l.* in the year 1852 in teaching good industrial pursuits to the poor. There was not a single Protestant lady—and he said it with pride—of any rank or station who did not upon all occasions identify herself with those institutions. They purchased work, they visited the schools, and they contributed towards the advancement and the support of the education that was therein afforded. When the hon. and learned Member said that the cloistered nuns were useless, he (Mr. Roche) would tell him that he was speaking upon a subject of which he knew nothing. It might be convenient for particular purposes to raise a cry against the Roman Catholics; but there were two sides to the question, and for every one bigot raised in England, there would be five raised in Ireland. He was sorry to find the spirit of religious persecution growing and increasing in England, and particularly in the House of Commons, and felt deeply for his Roman Catholic countrymen, who were present, and who were obliged to listen to such speeches as those of the hon. and learned Gentleman. But he would give that hon. and learned Gentleman one bit of advice. There was a time when this bigotry, and what was miscalled Protestant feeling in the country, was not so rife as at present—when the Catholics in Ireland carried the war into the enemies' camp—when a Motion was made in that House for inquiry into the Protestant Church establishment in Ireland—when that great and growing anomaly was discussed. He would not say that he would advise the Roman Catholics to take that course again, because that would be to revive political agitation in the country; but he hoped the Protestants at least would take warning, and pause before they aroused the feelings of the House. The people ought at present to be united in spirit and in desire to rally round the institutions of the country, and to sustain the Sovereign against the attacks of her enemies; but he was satisfied that unity could not be maintained, if they legislated in the spirit of the hon. and learned Gentleman.

MR. KENNEDY said, he was sorry that the inquiry was not more strongly resisted, had it only been to teach a lesson to the persecuting tone of the Motion. He considered that the Motion was intended chiefly as a protection for the Protestant movement against Roman Catholicism, and on that ground it had his most strenuous disapproval.

Lord CLAUD HAMILTON said, the hon. Member for the county of Cork (Mr. Roche), having designated the Motion as founded in a spirit of persecution, and as an insult to the Roman Catholics of Ireland, he (Lord C. Hamilton), as one who supported inquiry, utterly repudiated being animated by any such motive. And he thought that no impartial person who had heard the able address of the hon. and learned Gentleman who brought forward the Motion would agree with the hon. Member in saying that this was a just description of the tone adopted on the occasion. They were told by hon. Gentlemen that they did not approve of this constant recurrence to the question—that it was an irritating question, and likely to give rise to feelings of dissatisfaction and alienation between different classes of Her Majesty's subjects. But the Gentlemen who adopted that tone would do well to ponder the sound advice of the hon. and learned Member for Tavistock (Mr. R. Phillimore), when he told them that their constant shrinking from all inquiry did look as if there were something that ought not to meet the broad daylight in those conventual establishments. Still, supposing there was nothing in those establishments which might not be made public, the question still remained as to what position their inmates occupied with respect to the ordinary law of the land; and upon this part of the question none of the hon. Members below (the Popish Members) had ventured fully to touch. He could not object to the increase of these institutions, if they were in accordance with the feelings of the majority of the people. On the contrary, he was perfectly willing to leave every sect to the enjoyment of its own religious views, provided it could be done without infringing the spirit of the law. But there was quite sufficient evidence before the House to show that there was something peculiar in the position of the inmates of conventual establishments in this country which did require investigation, and justified the House in making an inquiry on the subject. If in this country persons of tender years entered into engagements which might be binding on them during the whole course of their lives — if, willingly or unwillingly, they had done this at an age when they could not understand all the consequences of taking such a course, then he held that that was a system which demanded a thorough sifting by the House of Commons. He was not induced by any sectarian views of his own to make this assertion; but he would remind hon. Members who belonged to the Roman Catholic faith, that even in Roman Catholic countries, and under Roman Catholic Governments, considerable jealousy had been manifested on this point. Whether they looked at France, Bavaria, or Austria, in all these countries they would find that provision had been made to prevent the system, and persons were not allowed to enter into such engagements as he had mentioned, until they had arrived at years of discretion. In Bavaria the period for which the engagement was binding was only three years, whilst other periods obtained in other parts of the Continent. And these restrictions were not founded either on Protestant laws or Protestant prejudices. They were restrictions in reference to that which was left altogether unshackled in England. They were restrictions adopted by Roman Catholic Legislatures, at the instigation of Roman Catholic statesmen, from a sense of danger to the community, and from a sense of injustice to individuals, if no restriction were applied. Surely, then, there could be no reason to say that such a measure would be an insult to Ireland generally, or to our Roman Catholic countrymen throughout the kingdom. And it was unfair, when a case of hardship occurred in this country, on account of the absence of such restrictions, to attribute to feelings of religious bigotry and the spirit of persecution the desire to institute an inquiry, and the suggestion that some restrictions might be advantageously carried out here also. Indeed, he felt convinced that, by effecting an arrangement of the sort, a vast deal of irritating discussion would at once be put an end to. But they might depend upon it, that as long as there was a determination, *in limine*, to refuse all inquiry, the public would perceive that there was an anxiety to conceal something that would not suit the public taste—something that was deemed to be inconsistent with the spirit of our institutions. He denied there was the slightest similarity between the case of boys going to school and that of young ladies under a vow entering establishments which they could never quit again, without calling down the most severe denunciations upon their heads. The hon. Member for the city of Cork (Mr.

Fagan) had deprecated inquiry on the ground that it would be offensive to the feelings of the ladies who were inmates of convents. Now, no one more than himself (Lord C. Hamilton) would object to a coarse or rude investigation. But he apprehended that any Committee which that House might grant would not enter into an inquiry like that, but would inquire as to the practices of foreign countries—the usages of Roman Catholic convents in Roman Catholic countries; and if, as a result of that inquiry, a good digest of the practice in foreign countries were produced, he thought very great good would thereby be effected, as it was possible that arrangements might then be made which would not be rejected even by Roman Catholics themselves.

Mr. J. G. PHILLIMORE said, he felt it his duty to state frankly and freely his opinion upon the question under discussion, and to express a hope that the House would not assent to the Motion of the hon. and learned Member for Hertford (Mr. Chambers). He felt it impossible to separate the Motion of the hon. and learned Gentleman from the speech with which it had been introduced, and he would ask any persons who heard that speech, if they could disguise from themselves the fact that the Motion was an insult to every person professing the Roman Catholic religion? The hon. and learned Gentleman had directed the attention of the noble Lord the Member for London to the danger that he stated was likely to arise from the increase of conventual establishments, and had called for further assistance from the State to enable the Church of England to maintain her ground. Now, he must protest against that doctrine. As a sincere Protestant he must protest against a doctrine as irreverent as it was impious. If the Church of England, with all its large revenues, and all that it could hold out of station and emolument to its adherents—if that Church could not maintain its ground against the Roman Catholic religion, then he said it was time for them to cease to think of any other measures than those that would amend the defects of their own Church. But he believed the Church of England was perfectly able to maintain her own rights by the purity of her doctrines alone; and therefore he repudiated the assistance that was offered by the hon. and learned Gentleman. With regard to religious education in Ireland, if the hon. and learned Gentleman (Mr. Chambers) would look at the history of Ireland, he would be warned at once against attempting by legislative means to supply any deficiency in the religious education of that country. He would see in Ireland a dominant church and an oppressed church, and he would see the dominant church losing its numbers every hour, while the oppressed church was daily augmenting hers. This was the necessary consequence of oppression, and could only be attributed to the zeal and activity which a sense of persecution had aroused in the minds of the oppressed. The main topic in the speech of the hon. and learned Member for Hertford was, that the persecution and tyranny that were practised in Roman Catholic convents called loudly for the interference of the State. But was it really so? It must be remembered that the Protestants were not the parties persecuted, but the Roman Catholics; and where, then, were there any petitions from the injured? Where were the petitions for inquiry? It was not said that Protestants were forced into convents against their will; and if it was the Roman Catholics who had been so treated, why had not that body petitioned the House for relief? As to what had been said in reference to Roman Catholic parents requiring their children to enter conventual establishments, he would ask if it was really proposed that the House of Commons should pass a law to prevent a Roman Catholic parent from bringing up his child in the Roman Catholic religion before she became emancipated by age in any way he thought proper? Some allusion had been made to Bavaria, in which country the noble Lord opposite (Lord C. Hamilton) said, there was a legislative enactment; but the noble Lord forgot this material difference between Bavaria and this country, that in Bavaria the vows taken were legally binding, while in England they were worthless, and were of no account whatever. Yes, but, said the noble Lord, their own religious principles made the vows binding. Well, and would legislation prevent that? No; it was not by legislation, but by argument, by reason, by example, that they were to overcome that difficulty; therefore the noble Lord's illustration fell altogether to the ground. He would give the noble Lord another illustration. There was a good deal said in this country some time ago respecting an institution called the Agapemone, where the most disgusting practices were carried on. Weak foolish women were enticed into that establishment by designing men; but then they were of age, and nothing could be done to prevent it. He (Mr. Phillimore) considered that a Protestant superintendence of the Roman Catholics could not but be an insult to those professing that religion, and he most strongly advocated non-interference on the great principles of religious toleration. Several instances had been given of children having been forcibly conveyed by train to monastic institutions, evidently against their inclination; but it was supposed that children were in the best possible humour while being carried to places of education? A young lady of lively disposition, whose parents belonged to that respectable body called Quakers, would, in all probability, object, in a railway train, to being taken to a Quakers' educational establishment. The noble Lord (Lord Claud Hamilton) said it was a hard case to compel a person to enter a convent for religious instruction. It might be so, but it was also a hard case when a father disinherited his son because he refused to marry a very ugly woman. And yet he knew of no Act of Parliament to prevent it. He trusted it would not be supposed that he yielded to any one in a deep attachment to those institutions under which he had been educated, or in an earnest desire for the safety and progress of that religion which he believed to be the best in existence. In conclusion, he would give the hon. and learned Member for Hertford a word of advice, namely, to turn his zeal, if he wished to serve the Church of England, to a quarter where it would be more effectual, by exterminating from that Church those who, while they received her emoluments, endeavoured to undermine and sap her foundations—who, having access to families in their religious capacity, endeavoured to pervert the young committed to their charge and make them apostates to the religion which they had been employed to teach.

Mr. MAGUIRE said, the Bill of the hon. and learned Gentleman (Mr. Chambers) which he produced last year, was equally distateful then as now. It had created such universal disgust in Ireland, that it would not have been safe for the hon. and learned Member to have made a tour there after its promulgation. For himself he could say that he had had two members of his family in conventual establishments, one of whom had been for forty-five years, and another who lost her life in the service of her Divine Master, and he was quite willing to assent to inquiry, if any case could be made out to warrant it. But the only materials upon which the hon. and learned Gentleman founded his Motion, were some ridiculous newspaper paragraphs, and the warmth of his own imagination. He (Mr. Maguire) could assure the House that in Ireland the conventual establishments were all open, and if any of the enormities attributed to them by the hon. and learned Member had been committed, the people of Ireland, Catholic though they were, would have been as ready as any people to punish the oppressors and protect the oppressed. In Ireland, there would be a strong outcry if the description which had been given to-night of conventual establishments were justified by fact. There was no country in the world in which there was a greater zeal for education than in Ireland, though the case would have been far different but for the exertions of parties connected with conventual establishments. At a meeting at Cork, Dr. Bullen, a most eminent physician, stated that he had access, at all times, to his patients in the convent there, and had every opportunity of ascertaining the real state of their minds, and he never heard anything but a regret that their illness should prevent the performance of their religious and charitable duties. These institutions were also places of education. In Cork, there were three communities of nuns—the South Precinct Nuns, who educated 1,100 children; the North Precinct Nuns, who educated 800; and the Sisters of Mercy, who had charge of 100 orphans, and also of 100 servants. The nuns at Blackrock distributed in the city of Cork about 120*l.* weekly, and had encouraged a spirit of industry by teaching and providing employment for children. Throughout the whole of Ireland there was no monastic institution with which a school was not connected, and, consequently, education was rapidly progressing. The inmates of a convent averaged from ten or twenty to forty in number, the whole of whom were allowed to see their relatives and friends daily without any attempt at interference. As to torturing and imprisonment of young ladies, &c., it existed only in the imagination of the hon. and learned Gentleman, or, rather, in the excited imagination of his constituents. The noble Lord the Member for the City of London had proposed to semi-disfranchise the town he represented (Hertford), and the hon. and learned Gentleman was probably making a little political capital for himself, on the principle that if he were to be thrown overboard, he would, at all events, cling to the last plank. Was it possible that ladies who devoted their lives and their hearts to their God, and to the assistance of the destitute and the wretched, would be guilty of such conduct as insinuated? One would think there could scarcely have been any heart so envenomed, any mind so steeped in malignity, as to wish to exercise any domineering authority, any unseemly intrusion, upon defenceless women. The hon. and learned Gentleman the Member for Hertford had assumed an aspect of humility and meekness whilst making those harsh statements, but the people of Ireland would look upon him as a wolf in sheep's clothing. The hon. and learned Gentleman had, however, but ill supported his bitter and envenomed declamation—declamation which might have drawn down the plaudits of Exeter Hall, but which could meet but little favour among men of common sense and intelligence. It was certainly an unenviable desire which could prompt a man to wound the feelings of defenceless ladies—who could not return blow for blow, nor injury for injury—who must submit to persecution and to injustice. The chivalry of the present day was prudent and discreet, it only struck at women. How supremely absurd was it to tell the Catholic gentlemen of England or Ireland that they were unable to protect their daughters and female relatives without the sage interposition of the hon. and learned Member for Hertford and his crude Bill. The third clause of the Bill of last Session proposed to give the power of forcible entry to nunneries—to invade the sanctity of the cloister and of domestic privacy—a provision which could only have been dictated by the bitterest feelings of sectarian rancour. Where were convents generally established?—not in fine squares or splendid streets, not in situations remarkable for health and beauty, but in the midst of neighbourhoods remarkable for the poverty and the density of their population. Without such institutions, the Catholic children of English and Irish towns would, in point of moral teaching, be destitute indeed. It was the pious care of the nun who moulded the mind of the child into the best and purest forms, and who watched over their childhood and their girlhood—whose care did not cease even when they reached womanhood, and who, in the time of adversity, and sickness, and trouble, were still found to minister and to alleviate the mental anguish, and to minister to the physical necessities, of the wretched and the needy. He (Mr. Maguire) had no objection whatever to inquiry, if there were anything like grounds for it, but would never consent to go through the form of inquiry upon the most trumpery gossip—the most incredible stories—the merest suspicion. By acceding to such a Motion, upon such statements, or rather surmises, would be to betray the interests of his constituents—to degrade and stultify his own understanding.

MR. F. W. RUSSELL said, that, as he was a Protestant representing a large Roman Catholic constituency in the city of Limerick, he should be pardoned, he trusted, for briefly addressing the House. He did not at this late hour of the night propose to go into the general question, but merely to state a few facts connected with conventual establishments in the city he represented. One of the great defects of the south of Ireland was the want of industrial institutions; and the attempts which had been made to establish them in Limerick would not have been successful but for the assistance given by these establishments. He would instance the establishment of a lace manufactory in Limerick, for which, by means of the conventual establishments, teachers in the making of Valenciennes lace from Belgium were imported, and the manufacture had been brought to such perfection, that a feeling of jealousy had been caused in Belgium against the friends of the teachers, and application was made to the Roman Catholic bishop to have them withdrawn; but the industrial principle remained. This showed that those establishments were not composed of persons abstracted from the world, and following idle and useless pursuits. In one of those establishments 1,600 girls were instructed; and in another, the Convent of the Good Shepherd, which was a Magdalen establishment, eighty unfortunate outcasts were received and put into the lace manufactory, and the same thing was done in other establishments. There had always been a strong religious feeling in Limerick; and if any restraint was exercised on persons in convents, that religious feeling would be sure to cause it to be made public; but he could pledge his honour that he had never heard in Limerick one instance of restraint imposed on ladies who entered those establishments. He would ask whether it was fair, in the absence of all proof, to taunt those who objected to this inquiry, and to say that if they would not submit to it, they must have something to keep back? Was it fair to say, "You must reveal the inmost secrets of your family, or, if you do not, we will charge you with carrying on that within your own house which you dare not expose?" He did not believe that the charge could be sustained. He looked upon the period for the discussion of such a subject as most untimely, and he trusted that the House would express a similar opinion that evening in rejecting the Motion by a large majority.

MR. MIALL said that, differing, perhaps, as much as it was possible to do from the religious creed to which this question related, he was anxious to state his reasons for opposing the present Motion. As a general rule, in recording his vote upon any Motion for inquiry touching the religious convictions and habits and proceedings of any portion of Her Majesty's subjects, he should have regard to two conditions—first, that there existed a solid groundwork of facts as a *primâ facie* reason for entering upon that inquiry; and, secondly, that there was a strong probability, supposing these facts to be proved and the evil to be made apparent, that legislation would provide a sufficient remedy for that evil. He had listened with attention to the speech of the hon. and learned Member for Hertford (Mr. T. Chambers). The hon. and learned Member was an able man, and he was a lawyer. He was accustomed, therefore, to get up evidence, and he was exceedingly zealous in relation to this question. If, consequently, there were any facts on which the hon. and learned Gentleman could ground his Motion for inquiry, he had no doubt that those facts would have been produced to the House. All that the hon. and learned Member had produced, however, was one single fact relating to English conventual establishments, and not one relating to those establishments in Ireland; and the fact which he had related was so ridiculous as regarded this question as to be utterly unworthy of the notice of the House. The hon. and learned Member had dwelt upon that one fact with great unction, and had illustrated and adorned it—no, certainly not adorned it—by reading at length the epistolary correspondence of some young ladies at school, and, upon the strength of that, he had called upon the House to inquire into and to alter the state of the law. The hon. and learned Member had laid down a theory, and from it, by a sort of *à priori* argument, he had endeavoured to deduce some imaginary facts. But he (Mr. Miall) thought that was a ground upon which the House of Commons could not safely proceed. Seeing that there were no facts to be produced, other hon. Members had argued that, if there were not facts concealed, there would not be such great sensitiveness upon the part of Gentlemen opposite in respect to this Motion of inquiry. For himself, he desired to judge of this question as he would judge of it if it were brought home to his own religious denomination. He knew of no fact whatever relating to the proceedings or articles of faith or ecclesiastical principles of the denomination to which he belonged of which he was in the slightest degree ashamed; but if that House, after having been repeatedly stirred thereto by speeches inimical to the faith which he professed, were to show a disposition to inquire into that faith, he should feel bound to resist the inquiry; not because he feared the consequences of inquiry, but because he repudiated the very principles upon which they proceeded to make it. He should regard his own religious rights as being invaded by that House, and, though he felt perfectly conscious that he should come out of the inquiry with a higher reputation than before, still, for the sake of the religious liberty which he enjoyed, and which he wished to extend to others, he would resist such an inquiry to the utmost. When no facts, then, were adduced in support of this Motion, he would not impute to those who opposed it, that they had something to conceal, because they resisted an inquiry which, after all, was obtrusive. But suppose that an inquiry took place, and that evils were shown to exist. The next question that occurred was, "Were the evils of such a character that they could possibly be met and remedied by legislation? He thought that they were not. The evils which were complained of resulted from the exercise of spiritual influence, and as soon as the spiritual influence ceased, the evils naturally came within the range of a legal remedy. Did any Member of that House believe that there were persons shut up in this country, and imprisoned by physical causes, simply with no regard whatever to their own wills? Why, surely, if those persons who were supposed to be the victims of that cruel treatment had friends, they would communicate with those friends; surely, if they were not held in that state by something which legislation could not touch, they would easily break through all the fetters that could be imposed upon them. That at which the hon. and learned Gentleman aimed, however, was a blow at the spiritual influence which produced those results. He (Mr. Miall) had no higher veneration for that influence than the hon. and learned Member himself; but he did not believe that it was either to be undermined or overthrown by any legislative enactments whatever. He did not believe that the slightest good would result from this inquiry, however carefully and delicately conducted. On the contrary, he was of opinion that, whatever evil existed at present, would be simply aggravated by the proposed inquiry, the effect of which would be to drive parents to send their children to conventual establishments abroad. He repudiated such a course in his own case, and he could easily imagine, under different circumstances and in a different temper of the country, some hon. Member opposite getting up and moving for an inquiry into the practice of Independent churches as tending to foster republican principles. He believed that such Motions as these were simply mischievous. He believed that they tended, with whatever motives they might be introduced, to excite in that House and throughout the country a spirit of religious animosity; and this was not a moment at which they should give any encouragement to the raising of such a spirit. While we were contemplating entering upon a deadly struggle with a formidable Power, it was most unwise to encourage any Motion which would simply have the effect of setting one denomination of Christians against another; for we were not now, whatever might be the case in ordinary times, wisely engaged in endeavouring to pick holes in the coats of our brethren. For these reasons he should vote against this inquiry. He saw no grounds upon which the demand for it could be justly grounded. He saw no legislation that could meet the evils into which they were invited to inquire, and he conceived that at the present moment the whole process would be extremely mischievous and ill-timed.

Mr. COWAN said, he was not conscious of being animated by any unkind or ungenerous feeling towards Roman Catholics, and he did not wish to claim for the religious body to which he belonged any right or privilege which he would not willingly concede to them. It appeared to him, however, if they wished to avoid for the future the extreme discomfort of such Motions as these, that the establishment of the truth of the facts, if they could by any possibility arrive at it, would be of the utmost importance. He thought the appointment of the present Committee would be the means of arriving at the truth, and preventing in future the existence of the abuses complained of; he was astonished no Member of the Government had yet spoken, as he wished to hear their opinion on it. He hoped, therefore, that the noble Lord the Member for the City of London would state what the views of the Government were upon this subject.

Lord JOHN RUSSELL: Sir, I can assure the hon. Gentleman that the only reason why I have not thought it necessary to make any observations upon the Motion before the House is, that I think the arguments in favour of it have been completely overthrown by several hon. Gentlemen who have spoken, especially by the hon. and learned Member for Carlow (Mr. J. Ball), and by the hon. Member for Rochdale who spoke last but one in the debate. For myself, having taken part in a debate upon a similar question last year, I can have little to add to the reasons I then gave for opposing the proposition. It appears to me, however, that those who have brought forward and supported this measure to-night have been a little afraid, not to say ashamed, of their own Motion, and have destroyed the little ground that might have originally existed for the proposal by saying that this inquiry is to be conducted with all the care and delicacy in the world, that nothing is to be asked with respect to the ladies which they can take the slightest exception to, and that they need not be afraid that anything unpleasant will result from it. Now, Sir, I know that this inquiry must be either one thing or the other; either it must be an inquiry, as it is put in the beginning of the paper, into the number and rate of increase of conventual and monastic institutions in the United Kingdom, and the relation in which they stand to existing law, in which form, as it occurs to me, it will be of no use whatever, or it must be an inquiry into the actual state of all these institutions, to examine whether there are any facts to bear out the allegations of those who ask for an inquiry to be made, and in that case it must become a strict, and consequently an offensive inquiry, and there will be an end of all that delicacy which hon. Gentlemen have talked so much about. I confess, Sir, if I believed what some hon. Gentlemen seem to think—that these are places where personal liberty is utterly denied to those who wish it—if I believed, as they seem to desire I should, that constant scenes of tyranny and oppression go on within the walls of these convents—I should not hesitate to set aside all delicacy upon this question, but should say, "Here is a case for inquiry; do not let the daughters of Roman Catholics be subjected to grievances which it is unfit any person living in this country should endure." But, on the other hand, to go into an inquiry for the mere purpose of finding out how many of these establishments there are—a point upon which the hon. and learned Member for Hertford gave us in his speech all the information we can desire—and in what relation they stand to the existing law—the hon. and learned Gentleman having informed us that they stand in no relation at all to the existing law—it appears to me, would be a very useless and superfluous proceeding. Sir, with respect to the question itself, I can only repeat what I stated last year—that I cannot believe that Roman Catholic gentlemen, either in England, in Ireland, or in Scotland, would allow their daughters to be ill-used in these convents, or permit them to be detained there against their will, and if so, that there should be no one of these Roman Catholic Gentlemen to rise up in the House and demand an alteration of the law or an inquiry into the system. I cannot understand how it should be that none but the Protestants of this country care at all about the liberty or security of these Roman Catholic ladies, and that the Roman Catholics themselves should be so utterly indifferent. I don't know that I ought to say that it is an insult to the Roman Catholics generally, but it certainly is an insult to Roman Catholic parents, to suppose that they are utterly insensible to all these grievances going on in conventual establishments, as it is alleged, without any regard to the feelings of their daughters. The hon. and learned Member for Tavistock (Mr. R. Phillimore) has said it is very odd that Roman Catholics should object to this inquiry, and that they ought to submit to it to put an end to suspicion. The answer, to my thinking, is obvious. After persons have spread throughout the country all these suspicions, without giving a single valid proof in support of any single one, it is really too much to say that the persons upon whom suspicion has been cast must submit immediately to an inquiry in order to free themselves from it. The very appointment of a Committee by this House would be an admission that some *primâ facie* case has been made out; and to call upon Roman Catholics to say they will submit to an inquiry when nothing at all has been brought against them, after some two or three years' search (conducted with all the learning and ability of the hon. and learned Gentleman who introduced this Motion), but the most worthless gossip, would be utterly ridiculous; and I think, in fairness to the parties against whom it is directed, that the House ought not to entertain the proposition. One of the cases mentioned by the hon. and learned Gentleman was that of Miss Knight. Now, I happened to read the particulars of that case; and certainly, although the conduct of the superioress of the convent appeared to be very injudicious, and although the case in itself was a very painful one, yet the person who was the object of it did not wish to leave the convent; and even at the end, when her brother insisted on her leaving it and going to another place, all the objection came from herself and from no other person. This, in fact, is always to be found at the bottom of these cases. The objection to leaving convents arises, not from physical bolts and bars which have been interposed, but from the obligations of conscience which induce these ladies to think that they cannot leave their convents without a dereliction of their duty. If that is the case, what on earth is the use of Protestant gentlemen opening the convent doors, and saying to these ladies, "You may break your vows if you please, and are at liberty to come out?" It is no doubt very consistent with our Protestant notions that they should do so, but it is totally inconsistent with their Roman Catholic notions of duty, for you must remember these convents are a part of the institution of the Roman Catholic religion; and if you say you will permit them to come out they will not use the power; but if you say that you will have an inquiry from time to time and an inspection of their convents—still more, if you say you will not permit any such convents in the land—the result will be that they will think they are very much oppressed with regard to what they consider their conscientious duty; their views will not be changed, but these ladies will go to Belgium or to other Roman Catholic countries, and there exercise those Christian virtues and actions of charity which make so great a number of Roman Catholic ladies—whatever may be the character of the religion they profess—the brightest ornament to their sex. If such be the case, and if there is really nothing to inquire into with respect to personal liberty, what colour or ground has there been given in support of this Motion? The hon. and learned Gentleman who introduced it spoke of education in these convents. If I understood him rightly, he proposed entirely to suppress and put an end to that education. Now, if that is the nature of his proposed measure, I am not at all prepared to go along with him, for I do not see that he has made out any case whatever for putting down the education which is given in these convents. I believe, in many instances, it is a very good education, and, with respect to the poor persons who receive it, a great charity is exercised towards them. Believing, as I do, that it has been productive of good, I certainly cannot consent to any alteration of the law with respect to this particular point. There is a trace of reason for that part of the Motion which relates to property held by persons who become nuns, and who give that property to the convents into which they enter. That may be a very proper subject for consideration by this House, because in that respect I can see that the interest of the State enters into the question, for I can very well understand if these convents are much increased in number, and a large amount of property is thus sunk in mortmain by means of the state of the existing law, why that might be a sufficient reason for some alteration in the law; but I confess I do not think it should be a single alteration of the law. But there are laws affecting Roman Catholic property, used, it may be, in our opinion, for superstitious purposes, but still legitimately used for the purpose of Roman Catholic worship, and I should not think it consistent with religious liberty to interfere with them. Therefore, in consenting to any alteration of the laws on this subject, I should like to see that point properly treated with reference to those ancient laws to which I have referred. But, Sir, if there is no real reason for this Motion, I do entreat those who support it to consider a little what they are about to do. They say, "We do not wish to do anything whatever against the Roman Catholics; we do not wish to press this inquiry in such a manner as that any single nun can be offended; in short, we wish merely to have an inquiry in order that the general truth may be ascertained." But while that is the feeling of this House, and while one Member after another is getting up to protest against being understood as meaning any offence, and disavowing anything like insult to the Roman Catholics, will any one tell me that such is the feeling out of doors of those who support this Motion? Is not, I ask, the feeling out of doors one of a widely different nature? I say it is, and I say also that it is a feeling which would not be satisfied without the most full and complete inquiry, not only into the particular mode of life of the nuns, but into the whole conduct and management of every convent in the land; and I am persuaded that, after such an inquiry, that feeling would not be satisfied unless there was a total abolition of all such institutions. Do not let this House think they can satisfy a public feeling, such as I know exists, by a simple inquiry? Do they really think they can do so? I say, then, do not create a feeling against Roman Catholics—a name which I think has not been well used in relation to this particular subject—do not give way to this, as I believe, unjust feeling, that there are persons confined in convents against their will, or cruelly ill-treated, merely to meet the cry of the masses, which I believe is all a mistake. Let us have courage to meet the popular outcry on this subject. When the noble Lord (Lord C. Hamilton) said, let us look at the laws in Bavaria, and see their effect upon the nunneries there, I say we stand upon totally different grounds from the laws of Bavaria, or any other Roman Catholic country. In those countries they give protection to the Roman Catholic religion, and to all its institutions; revenues are devoted to it, and, in short, it is an established and protected religion. In this country our protection, favour, and revenue are given to the Protestant Established Churches of this land—to the Church of England, of Ireland, and of Scotland. With regard to the Roman Catholics, we give them civil equality, and allow them the exercise of their religion; but in the way of protection to their institutions, and the revenues of their Church, we give them nothing of this kind whatsoever. That state of things may continue, and I do not wish to alter it; but this you cannot do—you cannot say we will give to the Protestants all the favour and all the revenues, and we will give to the Roman Catholics the penalties to which they are subject in Roman Catholic countries. Either you must be satisfied with the present state of things, or you must make changes far more extensive than you now contemplate, and for these reasons I shall give a hearty and decided negative to the Motion.

Mr. WALPOLE: Sir, I wish to state briefly the reasons which induce me to think that we ought, upon the whole, to assent to the appointment of the Committee of inquiry now asked for by the hon. and learned Member (Mr. T. Chambers), although I may concur in one observation of the noble Lord (Lord J. Russell), that the results of that inquiry may not be so satisfactory as it might be hoped they would prove. Indeed, I am by no means certain, considering the state of this country, and the contests which have taken place between the Catholics on the one side and the Protestants on the other, whether we have not made a great mistake in not appointing a Committee before, to institute a much more extensive inquiry than that which is now proposed—namely, to consider the *status* or position of the Roman Catholics as regards themselves in this country in relation to the Crown, and also as regards the various relations they may hold to any foreign Power. Had that course been adopted, I think the differences between the Protestants and the Roman Catholics might have been put upon a better, upon a fairer, upon a more permanent footing, so as to prevent those unhappy and unfortunate discussions which keep alive feelings that I for one most anxiously and most earnestly wish to see thrown aside. The question is, however, brought before us; and, being brought before us, we are bound to give our opinions upon it; and in giving my opinion I think I ought to call the attention of the House to the full purport of the proposed inquiry, not confining myself to the observations of the noble Lord the Member for the City of London, which observations only relate to one branch of the subject. The Motion of the hon. and learned Member contains in its very terms what may be regarded solely as a matter of fact and an expression of opinion. As a matter of fact, we are asked to appoint a Committee of inquiry to ascertain the number and the rate of increase of monastic as well as of conventual institutions, and the relation in which they stand to the existing laws. As a matter of opinion, we are asked to inquire whether any legislation, with reference to these institutions, further or other than the existing law, is requisite for the purpose of putting them on a proper footing in the State. Now, allow me to say a word or two with reference to the monastic institutions, which the noble Lord has entirely avoided. The monastic institutions and the conventual institutions stand upon a different footing in the eye of the law. The first class of establishments are prohibited, and as to the others, if not directly sanctioned, at all events, they are not forbidden. It should be borne in mind, with regard to monastic institutions, that, in the year 1829, when Roman Catholics were admitted into this House, provisions were made, and were intended to be acted upon, although they have not been put in force, for the purpose of obtaining the gradual suppression and the final extinction of such establishments. That was the object of the law, as recited in the preamble of one of the clauses to which the hon. and learned Member for Hertford alluded. What was the reason given by the authors of the measure for a provision of this character? It was that, in a Protestant country, monastic establishments are inconsistent with the nature and the character of Protestant institutions, and if other countries protected themselves against such establishments, why should not we do so? Nay, more, Sir Robert Peel himself declared that, as a clear matter of right, we were entitled to take measures of security and precaution against the entrance of these orders into this country, and against the extension of religious communities which owed allegiance to a superior Power resident abroad. My right hon. and learned Friend the Member for the University of Dublin (Mr. Napier), reminded the House, also, that the Duke of Wellington, who was the organ of the Government in the other House of Parliament, at the time the Emancipation Act was passed, insisted strenuously on the necessity of supporting these clauses in that Act, and warned you—and the warning has since been verified—that this country would be inundated with Jesuits, and with other religious orders, unless those clauses were carried into execution. That, then, was the intention of the framers of the Emancipation Act; but their intention has not been carried into effect. I think that intention was wise in itself, and that it is a misfortune for this country that it was not acted upon. At the same time I cannot disguise from myself the fact that, the law having been left in abeyance, and that Government after Government has refused to take notice of these monastic institutions, which were unquestionably illegal; and, therefore, I doubt whether you can now take steps to suppress these institutions, or to finally extinguish them, as was intended at the time when the Emancipation Act was passed. Yet, though I doubt whether you can or ought to do this, I do not doubt in the smallest degree whether you ought to inquire as to the number, the character, and the nature of such institutions. In case it should be shown—as I think it may be shown from recent experience—that they have not been founded here merely for the purpose of religious liberty, but that they have at least acted, if they have not been founded, for purposes of aggression; if it be true, as I think it is, that these institutions are not necessary—and I use the word "necessary" advisedly—for the full and free exercise of the Roman Catholic faith; if it be true, as I believe it is, that the members of these orders do, in the language of Locke, by belonging to such orders, deliver themselves up, *ipso facto*, to the service and allegiance of a foreign potentate; if it be proved, as I fear it is, that they have made use of the liberties which you have tacitly conceded to them to attack and assail the Protestant Church and Protestant institutions of this country—it does seem to me that these are facts which are legitimate grounds of inquiry; not, as I said before, for the purpose of suppressing, but for the purpose of controlling and keeping these establishments in order. Singularly enough, this part of the case entirely escaped the observation of the noble Lord (Lord J. Russell), but I think it is a point that ought not to be lost sight of. I shall now turn to that part of the inquiry which the noble Lord so strenuously argued upon—namely, that portion of the inquiry which relates to the conventual establishments. The noble Lord said that there had been three reasons alleged for the adoption of the course proposed to be carried out by the Motion of the hon. and learned Member for Hertford—one with regard to the personal liberty of the inmates; another with regard to the education which is imparted within the walls of such institutions; and a third with regard to the transmission and disposition of the property of the inmates of these establishments. Now, the question relating to these conventual establishments does not turn upon the point which is applicable more particularly to monastic institutions—namely, whether they are political societies which require the attention of this House in order to ascertain whether they are used politically for purposes hostile to the State. The question turns upon an entirely different point—a point which is applicable not only to Roman Catholics, but to any class of Christians. It turns upon the right of protection, with reference to liberty and to property, which, in the case of all classes of this community, is equally afforded by the law and by the State. The noble Lord says, and says justly, that it is singular enough that Protestants should be the persons who first addressed themselves to the solution of this question. If it had been left to myself, I should certainly not have mooted this inquiry, but being here as a Member of Parliament to consider whether the inquiry is reasonably asked for, and in what way, or upon what terms, it should be conceded, I cannot and ought not to shirk the difficulties of the question or shrink from its discussion. Now, with reference to the education which is carried on within the walls of the convents, I go the entire length with the noble Lord in thinking that that education ought not in any way to be stopped or interfered with. But when I come to the two questions, of personal liberty and the free right to the disposition and transmission of property, I own I think, since these questions are brought before us, that we are bound to look into the case, not with the view of doing away with these establishments, but with the view of regulating the treatment of the persons induced to enter them. I have said that I think there is nothing illegal in the existence of these establishments. I know that the right hon. and learned Member for the University of Dublin expressed or intimated an opinion that, though they were not absolutely prohibited by the Relief Act, still their existence is contrary to law. I do not hold to that opinion. My belief is that the clause in the Relief Act which relates to these conventual establishments is similar to the Act of Toleration, which relieved Nonconformists from certain penalties. The Act of Toleration, which so relieved them, without establishing or recognising them, has always been considered to have sanctioned them by law. If that be the case with reference to Nonconformist chapels and places of worship—no express law having sanctioned or recognised them, but the Act of Toleration simply doing away with the penalties to which Nonconformists would otherwise have been liable—it seems to me that the clause in the Relief Act which relates to nunneries has put those nunneries upon precisely the same footing. Then I have to ask myself this question—do the inmates of these conventual institutions require protection to any and what extent, either with reference to their personal liberty or with reference to the disposition of their property? Now, as to the first of these points, I think you ought to regard the inmates of conventual institutions in the same light as you would regard a minor with reference to anything that minors can do. Those persons who are of mature age are, I conceive, as much at liberty to seclude themselves from society and from the world, to devote themselves to a contemplative or an active life of religion or of charity, and to exercise freely their own judgment with regard to what they deem best for themselves, as other persons of full age are to join in the world and to give themselves up without restraint to its follies or its extravagancies. I may deem neither of these courses the wisest a person could pursue, but I also think that, whether they are the wisest or not, still they are courses with which neither I nor the Legislature of this country has any right to interfere. If, however, the parties are under age—if they are under influences the most difficult of all to withstand—if no opportunity is afforded them, when they attain an age at which they can exercise a maturer judgment, of determining whether they will remain in seclusion for the rest of their days—if no interval is allowed them for reconsidering the course they have taken—then I say that you are putting the inmates of these establishments upon a different footing from that on which any minor is placed, with reference to his property and his freedom. How far you may be able to protect these minors—how far you may be able, when they attain their majority, to give them an opportunity of determining whether they will seclude themselves for the rest of their days—may be a fit subject of inquiry on the part of the Committee. The noble Lord (Lord J. Russell) has said that he does not like to take the example of Bavaria, to which my noble Friend (Lord C. Hamilton) referred, because he does not think the example of Bavaria is applicable to England. Indeed I believe that in almost every country in Europe a different state of things prevails with respect to the toleration of religious institutions from that which exists in this country. I believe that in France these vows are temporary, and that the authorities of that country have the right of visitation when they choose. I believe that in Bavaria the vows are only binding for three years. I believe that in Austria the inmates of these establishments have the opportunity of quitting them if they are desirous of doing so; and that in Russia, which is not a Roman Catholic country, the postulant must state upon oath, or by an affidavit upon oath, that she is acting upon her own free will in entering a conventual institution, and the Synod of Moscow determine whether there are sufficient grounds shown. Last of all, I believe that in Prussia, a Protestant country, no one can take the veil without an examination by the civil authorities, and that examination must point out and ascertain whether there is a sufficient ground assigned, and whether sufficient motives are adduced, for allowing the step which it is proposed to take. I think, then, I have shown that there is some ground, at least, for inquiry upon this part of the subject; and I do not pretend to say what the result of that inquiry may be further than this—that by the laws of England, applicable to every minor in the country other than these persons, a protection is given to them which you do not give to these persons. The other point to which the noble Lord adverted was, the disposition and the transmission of property. Now, upon that point I think there can hardly be two opinions in this House, as to some alteration in our present law being necessary. Remember, that, according to the laws of this country, no persons who are placed under undue influence can dispose of their property so long as they are exposed to that influence, without its being liable to be reclaimed through the interposition of the law; and can it be supposed, or can any one imagine for a single moment, even arguing without looking at the facts of the case to which the hon. Member for Rochdale (Mr. Miall) adverted, that such an influence is not exerted, and that the influence so exerted is not greater than any which affects the mere temporal interest of a person? Why, it is the most important of all interests—the spiritual and eternal interest of a person which is acted upon, and by means of which he is, or may be, influenced to dispose of his property away from all his natural relations, to break through all his natural affections, and to place his property in the hands of those with whom he has no real sympathy, and for whom he entertains no feelings of affection. Protection, under such circumstances, is never denied to any one by the laws of this country, and remember that, according to the ancient policy of our law, no persons who had become spiritually dead by joining one of these establishments could exercise any power of direction over their property, because they were no longer looked upon as free agents. It is the free agency of the person, the freedom of action, the freedom of thought, the freedom of will, which you are to look to; and if it can be shown that this freedom is not left to these people, it ill becomes the Parliament of this country to say that it will not interfere for their protection. I confess I am therefore tempted to support the hon. and learned Gentleman's Motion for a Committee, although I could have wished that some restrictions should be put upon the inquiry thus sought to be obtained, in order that it might not be prosecuted unduly or improperly, so as to annoy or irritate the feelings of any one, either of those who are resident in these establishments, or of those who belong to the faith which they profess. I support this inquiry on two grounds—I support it with regard to the monastic institutions, because, existing as they do by sufferance, they ought not to be allowed to abuse the liberty which you allow them, so as to be able to attack or assail the Protestant institutions of a Protestant country; and I support the inquiry with reference to the conventual establishments, because the inmates of those establishments, from their sex and their situation, are utterly helpless, and for that reason ought not to be exposed to any kind of undue influence, either with regard to the disposition of themselves as long as they are minors, or with regard to the disposition of their property as long as that influence can be exercised over them, for to suffer such an influence so to be exercised ought never to be tolerated in any benign and well-regulated community.

Mr. J. D. FITZGERALD said, that the right hon. Gentleman who had last addressed the House had spoken in the manner which became a lawyer and a gentleman; but he had made some observations to which a reply was necessary. The right hon. Gentleman based his argument on the ground of the exercise of spiritual influence over, and the absence of free will from, a person who was disposing of his property, and said that the law ought to interpose to check such a disposition under such circumstances. He would ask whether the law did not already furnish an ample and complete remedy for that evil, if it really existed? It had been stated on a previous occasion that only five instances could be found in the books in which conventual establishments had been assailed on the ground of undue influence having been exercised over its inmates in the disposition of property, and in all those instances the law had jealously interposed. Months had elapsed since the question was last discussed, and yet not a single instance had been cited in which the arm of the law had not been strong enough, and its administrators not unwilling to overreach such transactions as had been imagined. The inquiry would, in his opinion, be simply mischievous, and it was easy to detect the spirit which dictated it. There ought to be some stronger ground than the fear and apprehension that undue influence would be exercised. This was also the first time that monastic institutions had been imported into a debate on conventual establishments. The right hon. Gentleman said truly that monastic institutions existed only by sufferance, and it always appeared to him a glaring violation of religious liberty that the law of the land should be—that a British born subject could not become a member of a monastic institution without subjecting himself to be treated at first as a misdemeanant, and in the end liable to be transported for the term of his natural life. If monastic institutions were evils which ought to be done away with, the law was amply sufficient to effect that purpose. The Relief Act contained a provision which reflected very little credit on the parties who had framed it, and which could only be attributed to the jealousy that existed when, after centuries of oppression, the fetters of the Catholics were partially struck off, and to the wish which was felt to satisfy the Protestant feeling of jealousy on that account. It was a fact that, while the Act of 1829 imposed upon members of existing monastic institutions the obligation of registering themselves, it provided also that none should come into the country or be admitted as members of any order, and he believed, therefore, that at this moment any member of a monastic establishment, who was not so before 1829; might be prosecuted and transported from the country. And yet, such being the state of the law, they were gravely told that it was necessary to have an inquiry as to whether it should not be made more stringent? Certainly the supporters of this Motion had chosen a most unfortunate opportunity to expose to the Catholics of this Empire the fact that a great part of their clergy were permitted to remain in the realm solely by the sufferance of the administrators of the law. Twenty-five years had elapsed since the Emancipation Act was passed. Their monastic institutions had increased from that time to the present, and it had not even been asserted that any of the members of those institutions, or any of the clergy of the Catholic Church, either in this country or in Ireland, had in the slightest degree infringed the law of the land, or plotted against the State, or assailed the Protestant Church as by law established. He was sure that if a single act of the kind had been committed, the industry, not to say the acerbity of spirit which some hon. Gentlemen had displayed with regard to this question would have brought it under the notice of the House. The right hon. Gentleman stated, as part of his argument, that the members of monastic orders had plotted against the Established Church, but he asserted, from his own knowledge, that the regular Catholic clergy had always been the best supporters of peace and order in the sister country. [*Cries of* "Oh!"] Some hon. Gentlemen expressed dissent; but let them look back to the last few years. In no single instance had any of the regular clergy been implicated in the disturbances which had taken place in Ireland. In 1848, the peace of that country had been preserved, not so much by the exertions of the military as by those of the Catholic clergy. He appealed, therefore, to the patriotism of hon. Gentlemen to say whether the sanguinary severity of the existing law with regard to monastic institutions ought not to be mitigated. He would now pass from monastic institutions, which he believed had only been introduced as a makeweight into this discussion, to conventual establishments, at which the Motion was more particularly pointed. He could not help observing that the remarks of the hon. and learned Gentleman who brought forward the Motion upon this part of the subject had been wholly disclaimed by his supporters. They disclaimed his speech, while they supported his Motion; and yet in that speech alone were there any arguments in its favour. The hon. and learned Gentleman suggested that cruelty had taken place, and that tortures had been inflicted in the convents now existing in this kingdom. What fact had he adduced to sustain his case? He mentioned a case which occurred at Palermo; but was there a Habeas Corpus Act at Palermo? He mentioned also another case which had been glanced at several times in the course of the evening. With reference to that case, the case of Miss Knight, he could state that, while the superiors of the convent at Taunton thought it was better for the unfortunate lady, who had become insane after being an inmate of the establishment for twenty years, that she should not be removed, they were the first to recognise the fact that, in consequence of her insanity, the law placed her under the guardianship of her relations, and to state that they would not oppose her removal if her relations desired it, and they wanted those relations to take on themselves the responsibility of removal. He could not help remarking that, although the first part of the Motion of the hon. and learned Gentleman was limited in its scope, the latter part was so general as to lay open to the Committee every part of the subject into which prurient curiosity or the feeling out of doors might dictate an inquiry. He must also remark that this Motion was not to be characterised by the tone of the right hon. Gentleman who had just spoken (Mr. Walpole), of the Member for the University of Dublin (Mr. Napier), of the noble Lord the Member for Tyrone (Lord C. Hamilton), or of the hon. and learned Member for Tavistock (Mr. R. Phillimore); they must look for that to the language of the hon. and learned Mover, by whom they had been told that the object of this inquiry was "to relieve the Roman Catholics from the stagnant ditch of superstition in which they were involved." The hon. and learned Member for Tavistock had characterised this as being language which it was degrading to the House to hear; and if so, must it not be painful, and painfully insulting, to Catholic Members of that House.

MR. T. CHAMBERS was understood to intimate that he had been misunderstood by the hon. and learned Gentleman.

MR. J. D. FITZGERALD said, he

should be sorry to misinterpret what the hon. and learned Member had said, and was perfectly willing to accept his statement that he had been misunderstood. While, however, the hon. and learned Gentleman used the language which he had done in bringing forward this Motion, was it not strange that they had no complaints from Catholics? It was said that here and in the sister country were institutions in which their children were oppressed, cruelly treated, and robbed of their property; but if Catholic parents and brothers were so degraded as to be blind to the sufferings of their female relatives, could it be supposed that they would not have their eyes open to the disposition of their property? And yet they had not heard a single complaint from the 6,000,000 of Catholics in Ireland, or from the members of that religion in this country; and he could appeal to every Catholic Member of that House to support his assertion when he said that the charges which had been brought forward, not by statement, but by insinuation, were utterly and entirely false. When they considered that a war, whose termination none could foresee, but from which he trusted that the standard of England would return victorious, for it was unfurled in a just cause, was now imminent, was it not, he would ask, most unwise to bring forward this proposition, which was utterly uncalled for, and the only effect of the adoption of which must be to excite religious discord, and to create the deepest discontent amongst the Catholic inhabitants of the country? It was necessary that we should have not only union, but enthusiastic union, to enable England to deal one strong and deadly blow at the heart of the enemy, and thus attain the object of war and be in a position to dictate an honourable and lasting peace. But what would her position be if, instead of a united people, combined for one purpose, we had our army abroad and a discontented people at home? He believed that every soldier might, at the present moment, be withdrawn from the sister country. The time was when the members of the physical force party in Ireland said that the day of England's trial would be Ireland's opportunity. Well, the day of trial had come, and how had the opportunity been availed of? Why, we had seen that wherever through the length and breadth of Ireland the Queen's standard was raised the people flocked round it, not actuated by the desire of gain, but anxious to unite with England in supporting the honour and glory of the Empire. And how was that spirit rewarded? Why, the hon. and learned Member for Hertford (Mr. T. Chambers) introduced to the House a Motion breathing nothing but insult and the spirit of discord, and calculated to be productive of disunion, disaffection, and that worst of social evils sectarian hate.

Mr. NEWDEGATE said, that the hon. and learned Gentleman who had just resumed his seat, had appealed to the fears and the patriotism of the House. Was that the tone in which they were to meet when they proposed simply to inquire whether it might not be expedient for this country to adopt the same laws which prevailed throughout the Continent with respect to these establishments? Were we to be told that, if we adopted these laws, Ireland would rebel? If that was to be the case, legislation would soon be put an end to; that House would have no free-will on any question which related to Ireland; but, whatever might be the demands of the papacy or the priests, they would be forced to comply, lest Ireland should rebel. The Members of a certain section of the House, who were now guilty of using language at once insulting and calculated to provoke, were the same who threatened the deliberative assembly of the country with obstruction by the abuse of the forms of the House, if the House should venture to act upon its recorded decision by inquiry into these Roman Catholic establishments.

Mr. PALK said, he would throw himself on the indulgence of the House and ask that favour which was always shown to a Member who addressed them for the first time. Nothing but the great interest which his constituents felt in this question would have induced him to address the House at so late an hour. He believed that a question of this sort might be discussed with good temper, and with friendly feeling towards one another, and without causing the embitterment of polemical discussion. He thought that the hon. and learned Member (Mr. J. D. Fitzgerald) who addressed the House a short time since was wrong when he spoke of this matter as levied solely against the Roman Catholic religion. He should have been glad if that had been the only religion to which such a Motion could apply. To open foes he had no objection, for he had the fullest conviction that Protestantism was deep rooted enough in this country to hold its own against any foreign or open foes, in whatever quarter they might arise. But there was a foe, far more insidious, far more dangerous, within itself, with respect to which he must confess he did not entertain the same feeling. Of late years there had arisen, within our Protestant Church, a sect or denomination of Christians who wished to assimilate her rites and ceremonies and principles to those of Rome, and to engraft these on the Protestant religion. To that particular sect, he confessed, he looked with great terror, because they numbered among them some of the most talented and those who had already achieved great honour among us. He came from a county where words were spoken a short time since, which already echoed in his ears—that the triumph of Oxford was to be wiped out in the defeat of Devonshire. He believed there was great truth in that assertion. He believed that the defeat which that sect of the Protestant Church had received in Devonshire had been a blow of considerable importance, and sufficient to wipe out the triumph of Oxford. He would wish it to be known that conventual institutions were not alone in the Roman Catholic Church. There were establishments in the diocese of Exeter—than which he believed none had been more celebrated for discord, arising from Tractarian or High Church principles—against which, he believed, facts had been proved sufficient to call for an inquiry. But whether that were so or not, he humbly hoped the House would permit a Committee to be appointed, that these assertions might be investigated, and their truth or falsehood proved.

LORD EDWARD HOWARD said, he begged to claim the attention of the House for a few minutes, principally on the ground that he had been personally alluded to in the course of the debate. Gentlemen often entered on discussions of this kind professing the best feelings, but became as they proceeded so absorbed in their subject that they were betrayed into language and expressions which he dared say at the outset they did not intend to use. The speech of the hon. and learned Member who had brought forward this proposition was not free from that objection. The observations of the right hon. Gentleman opposite, the Member for Midhurst (Mr. Walpole), were directed mainly to the question of property, and the question of age. The objection as to property had been already ably answered; and as to the age at which persons became inmates of convents, he believed it would be found—at all events, as far as this country was concerned—that very little or no objection could be founded on it. The hon. and learned Gentleman the Member for Hertford had alluded to a petition which he (Lord E. Howard) had presented to that House, and had represented the matter as though the ladies who had signed that petition were themselves actually inmates of conventual institutions. The inference which was meant to be drawn from that representation was obviously this—that when one member of a family went into a convent, all her female relatives went with her; whereas, the fact was that these ladies were not themselves living in convents, but were the relatives—the sisters, and aunts, and cousins—of persons who were either living in convents as nuns at this moment, or who had received their education there, and were now married and settled in the world. The hon. and learned Member might be right as to the number of convents, but when he spoke of 2,500 nuns, he had no doubt that that was a most exaggerated statement. Men frightened themselves with shadows in reference to every matter in which Catholics were concerned. They thought there was a Jesuit behind every lamp-post, and a nun in every house, and that every policeman they saw walking about was a monk in disguise. The hon. and learned Gentleman had exaggerated in having led the House to believe that all these convents of which he had given them the number contained a large number of nuns, whereas, of three with which he happened to be acquainted—and he had no doubt that there were many others similarly situated—one contained three, another four, and another seven inmates. The fact was that they were not convents, but schools; but wherever it was thought that a good work in the way of God could be done, and two or three nuns had been sent out to do it, the editor of the *Catholic Directory* had chosen to put down the establishment as an additional convent. The fallacies that seemed to be in vogue with reference to the doctrines and discipline of the poor Roman Catholics, were really quite deplorable. To hear the hon. and learned Member for Hertford, one would imagine that a Catholic could not eat his dinner or drink a glass of wine without leave of his priest; but he (Lord E. Howard) had no doubt he could drink a glass of wine as well as the hon. Member for North Warwickshire (Mr. Newdegate), and he did not ask leave of a priest when he wished to sit down to his dinner. The Catholic was met everywhere by abuse of Catholicism—in letters which were sent to him by post, in every newspaper he took up, and in speeches delivered in that House—and he was naturally curious to read what these statements contained, and to see which religion was true. He would say, in the face of that House, that Catholicism need not fear the comparison. Nobody would look with greater abhorrence than a Catholic priest or layman on the penance said to have been imposed in Miss Sellon's establishment—he should not have mentioned names if they had not been introduced before; and he was sure that what Catholics would say in reference to such a matter would be, that an endeavour had been made to set up an institution in imitation of the Catholic convents, and that those who had made the attempt had not known, when a penance was thought necessary, what penance to impose. With reference to the mode in which convents were said to be dealt with in Catholic countries, he had some evidence at hand, which he would venture to submit to the House. In France there was no special inspection of any kind, nor any authority possessing the right of inspection of any religious house; and, although any nun might quit her convent when she pleased, without any interference from the civil authority, there had been no instance of any such event for the last fifty years. The statement which had been made by the hon. and learned Member (Mr. Chambers) with respect to a convent in France having become Protestant was declared by his informant to contain not a single atom of truth, for the circumstance was perfectly unknown in Paris. The Prussian Government exercised no control or inspection over existing monasteries, nor were there any complaints in that country of persons being detained in them against their will. In Austria, again, there was no interference on the part of the Government. Did they mean to bring nuns for examination to the Bar, or into a Committee room of that House? Those who had had experience in Committees must have seen the nervous twitchings of the fingers even of the shrewd and sturdy man of business, when called to undergo an examination. Would they require the inmates of conventual institutions to submit to the same ordeal? ["Oh, oh!"] Nuns often placed themselves in very disagreeable positions—they attended the bedsides of the dying, where those who had thus interrupted him were scarcely likely to be found, and they ministered to the necessities of the sick; and he had no doubt that those who had voluntarily placed themselves in this position would be ready even to submit themselves to examination here, if it were necessary to explain away any stigma on their faith. Hon. Gentlemen must admit that was not a position in which they would like to place their own mothers or sisters; and nuns, who were also ladies, asked no more protection than hon. Gentlemen would extend to their own relatives. The hon. and learned Gentleman said that he did not refer to the Sisters of Charity, but he would find great difficulty in discriminating between them and the Sisters of Mercy. Their rules, he apprehended, were very nearly the same. Certainly it was the duty of both to attend the sick, to educate the poor, and they were both to be found wherever they could do any good to suffering humanity. He owned that he did not wish to see the Committee formed—not that there was anything behind-hand, or that any harm could accrue from it to the Catholic religion; on the contrary, he believed that good to it was more likely to occur; but he did not wish to place persons who were guilty of no harm, and had done no wrong, in such a difficult position. How they might follow up the Committee he did not know, but he did not envy those Gentlemen who were so forward to inflict this hardship upon persons who were friendless. They might conceive it right to bring those nuns to London to examine them in a room which would be stifling, from the attendance of persons who were curious for the mere sight and novelty of the show; but he would rather be one of those nuns by the side of the cholera-stricken patient, or by the bed of the person dying of typhus fever, than the Gentleman who, in all the pride of power, brought them into such a position.

Mr. T. CHAMBERS rose to reply, and said, he would only detain the House for a few moments. He candidly admitted that all those anecdotes which had attracted so much notice would not be accepted as evidence before the law courts; still he gave them for what they were worth. He did not, however, rest his

Motion upon their accuracy or inaccuracy; he had based it entirely upon the number and augmentation of conventual establishments, and on the fact of their not being recognised by law. He wished only to say one word in reference to what fell from the noble Lord (Lord E. Howard) on the subject of convents abroad. The noble Lord stated some facts from correspondents in foreign parts, in order to throw discredit upon some of his (Mr. Chambers') statements. Now he begged to inform the noble Lord that he had taken all his information on the subject of convents abroad from the *Ecclesiastical Compendium* for 1850. The whole matter in dispute, therefore, was, whether the noble Lord's correspondents or his source of information was the more authentic.

Question put:—

The House *divided*:—Ayes 186; Noes 119: Majority 67.

List of the Ayes.

Adderley, C. B.
Anderson, Sir J.
Annesley, Earl of
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Arkwright, G.
Bailey, Sir J.
Bailey, C.
Baldock, E. H.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Bentinck, G. W. P.
Berkeley, hon. C. F.
Blair, Col.
Blandford, Marq. of
Boldero, Col.
Booker, T. W.
Booth, Sir R. G.
Bouverie, hon. E. P.
Brocklehurst, J.
Buck, L. W.
Burghley, Lord
Butt, I.
Cairns, H. M'C.
Carnac, Sir J. R.
Challis, Mr. Ald.
Chambers, M.
Child, S.
Cholmondeley, Lord H.
Clay, Sir W.
Clinton, Lord C. P.
Clive, R.
Cobbold, J. C.
Cocks, T. S.
Corry, rt. hon. H. L.
Cowan, C.
Craufurd, E. H. J.
Crossley, F.
Dalrymple, Visct.
Davies, D. A. S.
Davison, R.
Deedes, W.
Disraeli, rt. hon. B.
Duke, Sir J.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dundas, G.
Dunlop, A. M.
Du Pre, C. G.
Egerton, W. T.
Egerton, E. C.
Evelyn, W. J.
Farnham, E. B.
Fellowes, E.
Ferguson, J.
Filmer, Sir E.
Fitzroy, hon. H.
Follett, B. S.
Forbes, W.
Forester, rt. hon. Col.
Franklyn, G. W.
Frewen, C. H.
Fuller, A. E.
Gooch, Sir E. S.
Graham, Lord M. W.
Grenfell, C. W.
Grogan, E.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Sir B.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Harcourt, Col.
Hastie, A.
Hastie, A.
Hayes, Sir E.
Henley, rt. hon. J. W.
Heywood, J.
Hildyard, R. C.
Hill, Lord A. E.
Horsfall, T. B.
Hotham, Lord
Hudson, G.
Hughes, W. B.
Irton, S.
Jocelyn, Visct.
Johnstone, J.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kendall, N.
King, J. K.
Kinnaird, hon. A. F.
Knightley, R.
Knox, Hon. W. S.
Laing, S.
Langton, H. G.
Lennox, Lord A. F.
Leslie, C. P.
Liddell, H. G.
Liddell, hon. H. T.
Lindsay, hon. Col.
Lockhart, W.
Loveden, P.
Lowther, Capt.
Macartney, G.
Mackie, J.
MacGregor, J.
M'Taggart, Sir J.
Maddock, Sir H.
Mandeville, Visct.
Manners, Lord G.
March, Earl of
Marjoribanks, D. C.
Masterman, J.
Matheson, A.
Maxwell, hon. J. P.
Meux, Sir H.
Mills, T.
Michell, W.
Moody, C. A.
Morris, D.
Mowbray, J. R.
Naas, Lord
Newdegate, C. N.
North, Col.
Ossulston, Lord
Packe, C. W.
Palk, L.
Palmer, R.
Pennant, hon. Col.
Percy, hon. J. W.
Phillimore, R. J.
Pigott, F.
Pritchard, J.
Repton, G. W. J.
Robartes, T. J. A.
Robertson, P. F.
Rushout, Col.
Sandars, G.
Sawle, C. B. G.
Scott, hon. F.
Seymer, H. K.
Shelley, Sir J. V.
Shirley, E. P.
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Smollett, A.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stafford, Marq. of
Stanhope, J. B.
Stanley, Lord
Stirling, W.
Taylor, Col.
Thompson, G.
Tollemache, J.
Tudway, R. C.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Villiers, hon. F.
Vivian, H. H.
Vyse, Capt. H.
Waddington, D.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Warner, E.
Whitmore, H.
Willoughby, Sir H.
Winnington, Sir T. E.
Wise, A.
Woodd, B. T.
Wortley, rt. hon. J. S.
Wyndham, Gen.
Wyndham, H.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Chambers, T.
Napier, J.

List of the Noes.

Ball, E.
Baring, rt. hn. Sir F. T.
Bass, M. T.
Bell, J.
Bellew, T. A.
Berkeley, hon. H. F.
Biggs, W.
Bowyer, G.
Boyle, hon. Col.
Brady, J.
Brotherton, J.
Bruce, Lord E.
Bruce, H. A.
Buckley, Gen.
Byng, hon. G. H. C.
Castlerosse, Visct.
Cayley, E. S.
Cheetham, J.
Cobden, R.
Coffin, W.
Cowper, hon. W. F.
Dent, J. D.
Duffy, C. G.
Elcho, Lord
Emlyn, Visct.
Esmonde, J.
Fagan, W.
Fitzgerald, J. D.
Foley, J. H. H.
Forster, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
French, F.
Gardner, R.
Geach, C.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Goderich, Visct.
Gower, hon. F. L.

Grace, O. D. G.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Gregson, Col. F.
Greville, Col. F.
Grey, rt. hon. Sir G.
Hadfield, G.
Hankey, T.
Harcourt, G. G.
Hayter, rt. hon. W. G.
Heard, J. I.
Herbert, rt. hon. S.
Hervey, Lord A.
Heyworth, L.
Higgins, G. G. O.
Howard, Lord E.
Ingham, R.
Jermyn, Earl
Keating, R.
Kennedy, T.
Keogh, W.
Kershaw, J.
Kirk, W.
Labouchere, rt. hon. H.
Lawley, hon. F. C.
Lowe, R.
Lucas, F.
M'Cann, J.
Maguire, J. F.
Meagher, T.
Miall, E.
Milner, W. M. E.
Mitchell, T. A.
Monsell, W.
Mulgrave, Earl of
Murrough, J. P.
O'Brien, P.
O'Connell, D.
O'Connell, J.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Paget, Lord
Patten, J. W.
Phillimore, J. G.
Pilkington, J.
Pinney, W.
Ponsonby, hon. A. G. J.
Potter, R.
Power, N.
Price, W. P.
Rice, E. R.
Richardson, J. J.
Russell, Lord J.
Russell, F. C. H.
Sadleir, J.
Scholefield, W.
Scully, F.
Scully, V.
Shafto, R. D.
Shee, W.
Smyth, J. G.
Strutt, rt. hon. E.
Sullivan, M.
Swift, R.
Tancred, H. W.
Vane, Lord H.
Villiers, rt. hon. C. P.
Walmsley, Sir J.
Walter, J.
Whatman, J.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Wodehouse, E.
Wood, rt. hon. Sir C.
Young, rt. hon. Sir J.

TELLERS.

Roche, E. B.
Ball, J.

NEWSPAPER STAMPS.

MR. CRAUFURD said, he would now move for a Return of the number of Newspaper Stamps at 1*d.* issued to Newspapers in England, Ireland, Scotland, and Wales, for the years 1851, 1852, and 1853; specifying each Newspaper by name, and the number of Stamps issued in each of the above years to each Newspaper (in continuation of Parliamentary Paper No. 42 of Session 1852).

MR. J. WILSON said, he had explained to the hon. Member, and the House was perfectly well aware of the reasons why this return ought not to be granted. It was one which for many years past had been invariably refused. The House would observe that it was not only a return calling for the number of newspaper stamps, but for a specification of the number of stamps used by each newspaper. Now, the principle adopted of late years in granting returns of this nature was this—that whenever one was asked for which merely involved the aggregate amount of stamps supplied, the House acceded to that request; but when a return was moved for which involved the disclosure of private circumstances, it had been an invariable rule since the year 1839 to refuse it. Hon. Members would see that it would be just as reasonable to ask for a schedule of the amounts paid by individuals for income tax, as it would be to ask for the number of stamps used by each individual newspaper. It was quite true that a return was presented to this House in 1852 having these particulars specified; but that return was simply a reprint of a document which had been laid before the Parliamentary Committee on Newspaper Stamps, and which was granted to that Committee as an exception, on the ground that it was necessary for the objects of their inquiry. A similar proposal to this was refused last year, and had been refused in every year since 1839, and he hoped the House would now support the Government in refusing to break through a rule which was based upon the observance of good faith in not disclosing the private affairs of individuals.

MR. CRAUFURD said, he did not consider the reasons given by the hon. Member sufficient for the refusal of this return. The return on the table of the House was a tabular form for fourteen years, and therefore, if such a return could be injurious to private interests, that return was more likely to be so than the return he now moved for, which would only go back three years. It had been formerly the custom to grant these returns, not only for the whole year, but also for each particular month in the year. He moved for the return because it would afford the information necessary to ascertain the mode in which the stamp laws were administered in this country, and there was no doubt that they were administered in a way most injurious to newspaper proprietors. The law required the whole edition to be stamped; and yet there were numerous exceptions. Some newspapers were allowed to stamp part of their edition, and tradesmen's catalogues of prices were stamped. Such publications as the *Builder* and *Athenæum* had only a portion of their edition stamped, while a similar privilege had been refused to new publications. It was this extraordinary state of the law which called for further inquiry and rendered these returns necessary. He would be the last person to bring forward a Motion injurious to private interests, especially as he was in some respects concerned in publications of the nature he had referred to; but still he thought that the public good should be considered before private interest.

Mr. BROTHERTON said, he thought that such a discussion as the present should not proceed at so late an hour (half-past twelve o' clock); he should therefore move the adjournment of the House.

Motion made and Question put—" That this House do now adjourn."

The House *divided:*—Ayes 35; Noes 66; Majority 31.

Mr. DISRAELI: Sir, it seems to me very unwise to oppose this Motion. I cannot really understand on what principle it is opposed. In the first place newspapers are organs of public opinion, and I think the country has a right to know, by ascertaining their circulation, how far they influence public opinion. Their circulation is a test by which the public can ascertain what is the best medium at their command for advertising such information as they may think it expedient to announce to the world. Nor can I admit for a moment that there is any—I will not say analogy—but any complete analogy between newspaper property in respect to its relation with the stamp duties and other property subject to taxation. Newspapers constitute a peculiar kind of property, the essence of which is publicity, and I think we have a right to know all respecting the newspapers that the Government can communicate to us, so far as that communication can be made by making an avowal of what knowledge comes to the Government through the influence of the law. As a general rule, we have a right to know upon that ground as much as we can of the peculiar character of newspaper property. But there are special reasons why I think the House ought to support the Motion. Information of this kind does exist to a certain extent and in a certain degree. We know, for instance, the circulation of the newspapers in 1850; and what is the consequence of that accurate and authentic information being before the House with regard to the circulation of the newspapers? Why, you have the comparative circulation of all the public journals advertised, the test of which is the return of 1850. Therefore you have some information given you; but it is imperfect information, and I cannot admit the validity of the argument of the hon. Secretary of the Treasury that we have no right to appeal to the return of 1850, now on our table, although it is accurate and authentic, because it was first given to a Committee of this House. The House of Commons, by an order that that return should be laid upon its table for the use of all its Members, took the question entirely out of the sphere of the Select Committee. By that order it announced that it thought it expedient and advisable that that information should be given, and I entirely disapprove of the Resolution which the House came to last year, that these returns should not be continued. In my opinion there is no sound argument against this proposition. There are many arguments that I think quite sound which may be urged in its favour. The essence of a newspaper is publicity, and by knowing its circulation we can know its means of influencing opinion, and the more we know of how it exercises that influence the better it is for society. I shall, therefore, Sir, support this Motion.

The CHANCELLOR of the EXCHEQUER: I have not much, Sir, to complain of in the statement which the right hon. Gentleman has just made; but as he says that he does not see any reason why the Government should object to the production of this return, it is right that I should state a reason and that is, the principle of justice, and of its interference with private interests. I do not at all deny that it would be a matter of some interest as information to know what is the exact circulation as far as the returns of stamps go, although that is not a very exact test, because a particular newspaper that wishes at any time to appear to have a large circulation might lay in a large supply of stamps. Yet certainly as far as the returns of stamps go, it would no doubt be a matter of interest to know what is the return of each particular newspaper. And it would be a matter of considerable interest, and would excite one's curiosity in a particular manner, supposing the information collected by the Special Commissioners of Income Tax were laid before the House. [" Oh, oh! "] Some hon. Gentlemen may think it would not be a matter of interest, but I maintain that it would be a matter of peculiar interest, to know what are the private affairs of individuals, and those who do not think so are of course at liberty to profess a different opinion. But the House had had this question recently under its consideration, and it then determined that it would not call for this information. The House is, however, now invited to reverse that determination. The question, in fact, is one between the greater and the smaller traders. On the great trader it would confer nothing but advantage that there should be exhibited to the world, on a supposed Parliamentary authority, evidence of his success, and evidence of the inferiority of his competitors. On the other hand, to the small trader, no doubt, it would be a matter of considerable inconvenience, and would tend greatly to his being further distanced in the race in which he is already behind, if this return were made. Now, that is pretty nearly the whole case, and I think there is not much reason to doubt that this is the whole question—that the publication of this information would have an influence on the course of trade, and that its influence would be favourable to those who are already successful, and unfavourable to those who are somewhat in the rear. Last year it was the fashion to find fault with the Government because a measure which they adopted was supposed to be favourable to the greater newspapers—I mean the measure with reference to the diminution of the stamp duty on supplements to newspapers. The Government adopted that proposal solely because they thought it was just, and not because it was favourable to a great newspaper; but they believed it would be of public advantage, whilst it was founded on justice, although it might have an incidental effect of the character stated. On the present occasion, I confess that I think, without pretending at all to go the length of saying that the House has no right to ask for this information—for such a doctrine I do not at all maintain—yet I think this is information which the House will do better not to call for, and simply because it inflicts a hardship and difficulty on private individuals without the excuse of necessity, in any sense, for the public interest. Although I freely grant there is a certain amount of interest in the sense of information attaching to these returns, I cannot at all allow that any public interest is involved in the matter in the proper sense of the term; and I must observe that the general rule upon which you act is this—that when, through the incidental operation of taxes laid upon the production of commodities, you have the means of ascertaining the relative position of persons engaged in trade, you not only do not produce, but you are most careful to suppress, the evidence and information you obtain through the operation of your laws. If you choose to tax commodities, and the tax itself is a matter which the producer of those commodities may consider a hardship, you may contend that, inasmuch as the money you levy you levy for the support of the establishments of the country, the tax is necessary, and therefore you must continue to exact it; but surely when you have done that your measure ought to stop there, and you ought not in prudence to go beyond it. That, then, is the case—I hold no such doctrine as that this House is not entitled to call for any information that it pleases. This is not a question as to the abstract right of the House, but of the indulgence and forbearance which this House commonly shows in the exercise of that right. Without, in the least degree, presuming to dictate to the House, the recommendation which I humbly venture to make is, that it should show that indulgence and forbearance in the present instance; and, there being no object of public interest or importance involved, that this House should refrain from subjecting parties who are now taxed to the unnecessary evil which the publication of their private concerns would entail upon them. The hon. Gentleman who made the Motion referred to something which I certainly did not clearly understand, but certainly it was not of that important character as connected with the main subject of interest in this matter, namely, the circulation of the greater journals. I understood him to say that he was anxious to know in what proportion certain publications divided their circulation between stamped and unstamped copies, and he connected this question with the operation of the stamp law as a restrictive law on the press. Why, unfortunately, that information it is not in our power to give. I fully acknowledge his right to ask for it if we had the power to give it, but we have no power, because, although we may ascertain how many copies the *Athenæum*, or any other like journal, has stamped, it is not in our power to say how many copies are printed without the stamp. If it were in our power, we should be glad to give this information; but it is not in our power. And as to the information which relates to the gigantic circulation of the *Times*, and the comparatively insignificant circulation of the other London journals, it is in the power of the House to obtain it if it pleases. It has been given in former years. Upon further consideration, the House refused to ask for it last year, and the question now before us for consideration is, not the question of your right to call for it, but I think you will exercise your right more wisely if you refuse to make the demand in the present instance.

Mr. MILNER GIBSON said he thought the right hon. Gentleman the Chancellor of the Exchequer was under some misapprehension as to what took place last year. The hon. Member for Salford (Mr. Brotherton) moved for this return himself; but the Motion was withdrawn, and the House therefore gave no decision on the question. He (Mr. Gibson) had the honour of being the Chairman of the Committee which called for this return, and it was submitted to Parliament for a series of years up to 1850. The Committee took this matter into consideration—how far private interests might be injured by the production of this return, and the Committee unanimously decided that it was desirable that the return should be made, and it was ordered, and subsequently it was moved for in an amended form, for the very purpose of being laid before Parliament, by a member of the Government. He thought there would be considerable public utility in this return being laid before the House, and should certainly support this Motion. The hon. Gentleman (Mr. Craufurd) had a particular object in view in making the proposition, and if, incidentally to the attainment of that object, particular interests were affected by the disclosure of facts, why, the truth only would be told, in which case it could not be avoided with regard to those interests. He believed that it would be a matter of public utility that this return should be laid before Parliament. The object of the Motion was to ascertain what was actually the operation of the stamp upon newspapers, and he hoped that the House would support the Motion.

The CHANCELLOR of the EXCHEQUER said that, seeing the feeling of the House to be evidently in favour of the production of the return, he should not further oppose it.

Original Question put, and *agreed to.*

The House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, March 1, 1854.

CONVENTUAL AND MONASTIC INSTITUTIONS.

On the question that the House go into Committee of Supply,

Mr. LUCAS said that, not having been afforded an opportunity of speaking in the debate of last night, he was anxious to explain some matters referred to by the hon. and learned Gentleman (Mr. T. Chambers) who introduced the question as regarded the Misses Arrowsmith. He (Mr. Lucas) first heard of that case at the time the nunnery question was before the House last Session, and saw it mentioned in one of the articles of the *Morning Herald.* He went to the convent where these ladies were, and without any difficulty procured a private interview with them, and conversed for half an hour as to their willingness, or otherwise, to remain in the convent. The case was not one of a couple of girls being sent to a convent to be made nuns, but to be educated and trained as teachers, by which means, their father not being wealthy, they might be able to procure a respectable subsistence. He (Mr. Lucas) explained to those ladies, with their father's permission, that they were perfectly free to leave the convent; and, he should say, he found they possessed a decision of character far beyond their years. They expressed themselves strongly as not being Roman Catholics, neither were they absolutely Protestants—they were in a state of doubt, and required evidence and information before they came to a decision. However, they frankly expressed the happiness they felt at living in the convent—they had not the least wish to leave it, and desired they might be allowed to remain. Not satisfied with that, he (Mr. Lucas) went next day to advise them to go to their father, and not return to the convent unless from a motive of conviction. When he went, he found they had left with one of the nuns, and walked through the street to their father's lodging. They, however, returned again to the convent of their own free will, and without any authority whatever being exercised over them by any party whatever.

Motion *agreed to.*

SUPPLY—ORDNANCE ESTIMATES.

House in Committee of Supply.

(1.) 902,821*l.*, Works, Buildings, &c. *Agreed to.*

(2.) 154,368*l.*, Scientific Branch.

Mr. W. WILLIAMS said, he objected to the item for the cost of the Royal Military Academy. He wished hon. Members to contrast it with Sandhurst, where part of the expense was defrayed by the young men themselves, and where a preference was given to the sons of officers, while at Woolwich and Carshalton, where the establishment was at the public cost, the young men were appointed by the exercise of the patronage of the Master General, and a preference was not given to the sons of officers, but rather the reverse, and as the young men educated there were principally the sons of persons of property, they ought not to be supported at the public cost.

Colonel DUNNE said, that it should be remembered that Sandhurst was a self-supporting institution; but, at the same time, he knew that, in the distribution of the patronage of the Master General in appointments at Woolwich, preference was given to the sons of officers in the same manner as at Sandhurst.

Mr. MONSELL said, the subject of Carshalton school was under the consideration of the Master General, but with a different view to that proposed by the hon. Menber for Lambeth (Mr. Williams), for it was felt that it was not proper that a public department should expend 4,000*l.*, and receive 6,000*l.*, which was the case at Carshalton. The sons of officers paid less at Woolwich than other persons. The sum paid by the sons of civilians was 125*l.* a year, while those of officers paid 80*l.*, 70., and 60*l.*, according to the different ranks of their fathers, and orphans of officers only paid 20*l.* a year. The academy at Woolwich had paid into the Exchequer last year 17,158*l.*, and the expenses of the establishment were only 26,115*l.*

Mr. HUME said, that when Carshalton school was first established, Colonel Anson, who was then in that House, assured him that, as its object was to enable parents who wished to send their sons into the Army to obtain for them a proper preparatory military education—which there was then great difficulty in doing—though there might be a little outlay necessary at first, it would in time become self-supporting. He had always advocated every measure which could tend to render the Army less expensive to those who entered it. At present it was almost impossible for officers to live in the Army simply on their own resources; and the consequence was, that many of those who really desired to make the Army their profession, and who were the most likely to become distinguished officers, were obliged to sell out.

Mr. MONSELL said, that the pledge given by the Ordnance would probably be redeemed, for Carshalton had yielded this year 1,800*l.* more than in the preceding years, and the subject of its being made more efficient was under consideration. With regard to the other remarks of the hon. Member (Mr. Hume), they did not apply to the artillery, where most of the officers did live on their pay.

Mr. HUME said, he meant to have drawn a comparison in that respect between the artillery, the most valuable branch of the service, and the rest of the Army, and he wished to see the whole Army, both cavalry and infantry, put on the same footing in that respect as the artillery.

Colonel DUNNE said, he concurred entirely in what had fallen from the hon. Member for Montrose respecting the necessity of reducing the expenses of officers in the Army. He thought it was extremely prejudicial to the interests of the Army to have young men of fortune coming in, simply with the idea of spending a few years pleasantly as officers, increasing the extravagance of the corps, and standing in the way of those men who made the Army their profession.

Lord SEYMOUR said, he wished to know on what scale the Ordnance survey was to be completed?

Mr. MONSELL said, the subject was still under consideration by the Treasury, but no decision had yet been come to.

Lord SEYMOUR hoped that the country would not be involved in a large additional expenditure on the mere decision of the Treasury, without submitting the subject to the consideration of the House. He had been informed that the simple change from the one-inch to the six-inch scale would cost 500,000*l.* for Scotland alone. The evidence given before the Committee of the House of Commons, both by geologists and civil engineers, showed that the six-inch scale was useless for very many purposes.

Mr. J. WILSON said, he must explain that there had been some doubt as to the scale on which the survey should be made, and the opinions of the most competent persons had been taken, and the conclusion they had come to was, that the large scale would be most desirable. With regard to the expenditure, before any further steps as to the making of the survey on a large scale were taken, the whole question of expense of the survey would be taken into consideration. The only instance in which they had assented to the large scale was in Glasgow, and they had done so only on condition that whatever arrangement was made with regard to the rest of Scotland should apply to Glasgow.

MR. HUME said, he must complain that no direct answer had been given to the question of the noble Lord (Lord Seymour). They had expended between 700,000*l.* and 800,000*l.* in this survey, and it was not precisely understood upon what principle they were proceeding, in consequence of the want of more general superintending authority.

SIR FRANCIS BARING said, he thought they ought to have an assurance that no money would be expended on the survey without the sanction of the House.

COLONEL DUNNE said, he thought that the survey of a plain surface, such as moors and even perhaps mountains where there were no details to be put in, would not be more expensive on a large scale than on a small one; while, on the other hand, it was of great advantage to secure a uniform survey. If any of the towns desired a survey on a still larger scale, they ought to be called on to bear a share in the expense.

MR. SMOLLETT said, he wished to know how much money had been expended in the survey of Scotland during the last and preceding years. He believed some of the money granted in previous years had not been entirely expended, and he wanted to know whether it could be appropriated to other parts of the survey, or whether it would be applied exclusively to Scotland?

MR. MONSELL said, he would state the progress that had been made in the last year on the six-inch scale. The number of square miles completed in England was 689, in Scotland 796, and in Ireland 551. Of the one-inch map there had been completed twelve miles in England, ten in Scotland, and thirty-two in Ireland. He would acknowledge at once that with regard to continuous progress the thing was not in a satisfactory state, because the scale in which the survey was to be carried on had not been decided. Not nearly so much had been done within the year as would have been done if that had been decided upon.

MR. HUME said, they had laid out between 700,000*l.* and 800,000*l.*, and they were now told that the department did not know the work they had to do. That arose from the want of a single authority from whom the department might receive orders. In the sum of 122,000*l.* he observed that there was 2,000*l.* for engraving maps of large towns, 2,000*l.* for engraving maps of towns in Ireland, and another 1,000*l.* for maps.

MR. MONSELL said, the department was perfectly aware from whom they were to receive orders. They were to receive orders from the Treasury. What he stated was, that they had not received those orders, and therefore the work had not gone on in a satisfactory way. With regard to the sale of maps, they had received this year 5,212*l.* for maps.

MR. SMOLLETT said, what he wished to know was, how much of the money voted last year had been expended in Scotland?

COLONEL DUNNE said, he was astonished to find that the Ordnance had for the last two years been carrying on the survey, and expending a grant of 100,000*l.* without any distinct understanding on what scale it was actually to be completed. He hoped that the Treasury would give some assurance that they would lose no time in coming to a decision.

MR. J. WILSON said, the question he had been asked was, whether they were to depart from the scale adopted two years ago, without coming down and asking the sanction of the House before they adopted a plan that would be more expensive to the country. He had stated that it was not intended to extend the six-inch scale to 24 to 25½, without submitting the proposition to the House. His noble Friend (Lord Seymour) had also asked whether it was intended to go from six inches to one inch, and he had said there was no intention of doing so. What was in contemplation was, to go from six inches to a larger scale, but nothing would be done until the House had given its opinion upon the subject. The question would be decided at an early moment, and before the present Session had terminated.

MR. MONSELL said, in reply to the question of the hon. Member for Dumbartonshire, the sum of 35,000*l.* had been expended last year upon the survey of Scotland, and 50,000*l.* would be expended this year.

MR. V. SCULLY said, he would suggest the appointment of a Select Committee to determine the best scale. The six-inch survey had been adopted in Ireland, and they were the best maps in Europe, and the most perfect of their kind.

COLONEL BOLDERO said, that in Ireland the survey had been upon a six-inch scale, and the map of Ireland, as now completed, formed one of the most perfect maps in Europe. He believed a 25-inch scale would create nothing but confusion and expense, and he wished to know what scale would be adopted in the survey of Scotland?

Mr. MONSELL said, the survey in Scotland was being made so as to suit any scale.

Mr. ELLICE said, that, visiting the Isle of Lewis some time ago, he found that for two years a captain of Engineers and a detachment of Sappers and Miners had been engaged in contouring the island of Lewis, in Scotland—an island which was merely a vast bog, and fit for nothing but wild sheep. He would also remark, that Mr. Keith Johnstone, of Edinburgh, had informed him that he would undertake to publish the Ordnance maps at one-third the expense at present incurred. He therefore suggested that the whole question should go before a Committee upstairs, and that their recommendations should be adopted by the Board of Ordnance.

Mr. MONSELL, in answer to the remarks of the right hon. Member for Coventry (Mr. Ellice), said, the proprietor of the island of Lewis had contributed towards the expense of the survey of that island.

Mr. ELLICE said, he was aware that the proprietor had contributed a sum of 1,500*l.*; but he should like to know what further sum had been expended in a survey which was neither of use to the proprietor nor to the inhabitants?

Mr. BELLEW said, he wished to know if it was correct that the Ordnance maps in Ireland were much more expensive than those in England; and, if that statement was correct, he desired to know the reason why it was so?

Mr. MONSELL said, the sheets in Ireland were sold at a lower rate than those in England.

Vote *agreed to*; as was also

(3.) 171,446*l.*, Non-effective Services.

House resumed.

INNS OF COURT—LEGAL EDUCATION.

Mr. NAPIER said, in moving for an Address to Her Majesty on this highly important subject, he thought it incumbent upon him to state to the House the reasons why he did so. There was no occasion for him to magnify the importance of the subject which he wished to submit to the consideration of the House, but he thought it right, in asking the House to adopt a measure which might affect the rights and privileges of a large and learned body, that he should fully explain the grounds upon which he based his proposition. The character of the learned professions was a matter of great public importance, and it was important also that the extent and quality of professional education should correspond with the general progress and enlightenment of the age. He believed there were somewhere about 800 barristers who robed at Westminster, and if they included those who were in the provinces, in Ireland, and in the various colonies, the whole number would be found to exceed 3,000, if it did not reach 4,000. Now, considering the important social position which barristers occupied, the great influence they exercised in the country, and the number of public duties they were called upon to discharge, he thought there ought to be some security that their education should be a good one, in order that the simple fact of a man having attained the degree of a barrister might be a sufficient proof to the country that he had received such a liberal and enlightened education as might qualify him for the discharge of these public duties. The interests of the law itself, as a great and noble science, should not be overlooked in considering this question. He would now refer to the evidence taken by the Commissioners appointed to examine into the state of the University of Oxford. Before that Commission Mr. S. C. Denison gave evidence of the present inefficient state of legal education, and Mr. Denison's opinion had been concurred in by Lord Denman, Baron Parke, and other eminent persons. At a public meeting of the Law Amendment Society on the 18th of June, 1851, which was presided over by a noble and learned Lord—Lord Brougham—who, throughout his whole life, had persevered in a course at once creditable to himself and advantageous to the community—at that meeting the present Solicitor General, a consistent law reformer, anxious to protect the interests of the profession to which he belonged, and, as a bencher of one of the Inns of Court, fully competent to express an opinion upon this question, moved a resolution to the following effect, which was unanimously carried:—

> "That it is highly desirable that a school of law and jurisprudence should be founded in connection with the Society for Promoting the Amendment of the Law."

The hon. and learned Solicitor General, in moving that resolution, exposed the various evils attending the present want of legal education, and intimated an opinion that means might be provided of supplying the deficiency. He stated that—

> "The law students at present are rarely instructed in that liberal knowledge of jurisprudence and comprehensive system, which forms the basis of all law."

Certainly, no one was more competent to speak with regard to its condition, and in the hon. and learned Solicitor General's opinion, in 1851, it was necessary to found a separate school of law and jurisprudence in connection with the Society for Promoting the Amendment of the Law. The same view of legal education was taken by another great authority, Lord Campbell, who, in his *Life of Lord Mansfield*, speaking of the false maxim, *laissez rien faire*, on which legal education rests, said:—

> "I conceive that, in regard to the great mass of students entering a learned profession, it is necessary, by institution and discipline, to guide inexperience, to stimulate indolence, to correct the propensity to dissipation, and to have some assurance that those intrusted with defending life and property are decently well qualified for the duties which they may be called upon to discharge."

Again, in his *Life of Lord Somers*, Lord Campbell spoke of the great and anomalous defect in England, the want of regular training, and—

> "proper examinations, to show that the aspirant is fit to be entrusted with the duties of an advocate, and qualified to fill the offices to which, as an advocate, he may be appointed."

At present there existed no test, and no condition which secured knowledge in a person called to the bar. He would admit, however, that a good deal had been done recently to afford improved opportunities for acquiring a legal education, but there was no increased obligation on students to receive the advantages offered, and much, therefore, required yet to be accomplished. A very striking instance had, he believed, occurred lately. Two persons who had the temerity to undergo an examination, were found not possessed of the qualification essential at the bar; but, nevertheless, they claimed the right of being called, having given the usual attendance at lectures. He had often observed that in that House a lawyer was at a discount. That ought not to be so. It showed that there was something wrong in the system. The public, however, had a very strong interest in the lawyer being scientifically educated, and great injury had sometimes arisen to the community from the contracted minds of gentlemen of the legal profession when they rose to be legislators or judges. One great evil, with regard to the profession, was the want of schools for supplying legal education; and the establishment of such schools was proposed as a remedy by a very high authority—Mr. Amos—whose evidence would be found in the Report of Mr. Wyse's Committee on Legal Education, appointed in 1846. He saw around him, on both sides of the House, Gentlemen belonging to the bar, occupying high and honourable positions, who were as learned and as efficient as any men in the country, and yet he knew that there was a general feeling among the community to depreciate the lawyer, the only advantage the lawyer ever had being personal and accidental, not in consequence of his profession, but in spite of it. And why was that so? It was because the security of a proper and thorough legal education did not exist. They were called honourable and learned, and yet it was thought they were narrow-minded. The public had not that opinion of the bar which such a profession ought to inspire. But, before adopting any plan which should be entirely new, he would suggest the propriety of endeavouring to reform and rectify existing institutions. If, however, the existing institutions should be found incapable of being made to answer the exigencies of the age, then, in his opinion, they ought to be swept entirely away. But if they admitted of reform, by all means let an effort be made in the first instance to effect a reformation. There could be no better reform than making an institution answer the purpose for which it was established, and so meet the requirements of the times. At present we had two great public institutions for the education of members of the bar—namely, the Universities and the Inns of Court. With regard to the Universities, Commissions to inquire into their condition had already been issued, and had been the means of collecting together much valuable information, in consequence of which many improvements might be expected. The Inns of Courts ought now to undergo the same process of purification. He did not make this proposition in any hostile spirit, but as a matter of duty, and his sole desire was to see our actual resources for the advancement of legal education honourably and usefully applied to their proper purposes. With regard to the subject of inquiry, he thought no difficulty would arise, many of the hon. Members around him having expressed their hearty concurrence in the proposal. There would be no difficulty in ascertaining with truth and exactness what were the resources properly applicable, and when it was seen what those resources were, a Commission of enlightened men should be placed in communication with the Inns of Court, to endeavour to have them applied to their proper purpose. He would now mention what he found the state of education at the time he was called to the bar. He remembered well having to ask experienced friends what course of reading they recommended a student to follow, for when he came to London for the purpose of eating a certain number of dinners, the mere dining was all that was required, and the opportunity thus afforded of learning anything was over a bottle of wine. Having an experienced friend, however, who had once practised at the Irish bar, he asked him, in his simplicity, what course of study he would recommend him to take up. The answer was, "If you are going to the Irish bar the best thing you can study is *Joe Miller*." His friend also told him that, in his early days, he had read the best books, but he got no business, and he soon found that those who cracked the best jokes made the most money and carried off business at that time. He (Mr. Napier) could not say he had taken the advice given to him, but it so happened that the London University was just opened, and Mr. Amos delivered a course of lectures, which he attended in order to see whether he could learn anything from them. All the instruction he had received while in London was from these excellent lectures and from Sir John Patteson, to whose chambers he went as a pupil, and whose friendship he was proud of to the present day. In the year 1839 the hon. and learned Member for Louth (Mr. Kennedy) founded the Dublin Law Institute, and in founding that institute the hon. Member was assisted by himself (Mr. Napier), the hon. and learned Member for Enniskillen (Mr. Whiteside), and other members of the Irish bar. Upon the foundation of that institution Mr. Justice Story wrote a letter to the hon. and learned Member for Louth, which was given at page 350 of the Report of the Committee on Legal Education, appointed in 1846. In that letter he gave, incidentally, an account of his labours; but he said:—

> "I have long been persuaded that a more scientific system of legal education than that hitherto pursued is demanded by the wants of the age, and the progress of jurisprudence. The old mode of solitary study is utterly inadequate to give an accurate knowledge of the law, and is a mere waste of time and labour. I am aware that any change is likely to meet much opposition from those who are accustomed to the old system, partly from prejudice, and partly from a desire to resist innovations. If Parliament does not aid your efforts, I shall indulge bare hopes of your ultimate success."

Professor Greenleaf also expressed an opinion that the existing system of legal education should be put upon a better foundation; and, surely, the opinions of such eminent men were entitled to great consideration. Upon Mr. Wyse's Committee, which sat in 1846, there were several eminent members of the bar—among others, the right hon. and learned Member for Midhurst (Mr. Walpole), and his (Mr. Napier's) hon. Colleague (Mr. G. A. Hamilton). That Committee, after examining a number of eminent men, reported in strong terms against the system then in force, and the utter futility of voluntary lectures. It had always been the case that lectures merely afforded means of acquiring knowledge to a few men who, under any system, would rise into eminence, and utterly failed in the great object of a sound education for the general body of the bar. The Committee stated in their Report, that the evidence as to the futility of mere voluntary lectures was conclusive, unless attended by examination; and they recommended the institution of a first examination, to qualify for admission to the Inns of Court, and of a second examination to qualify for admission to the bar, the examination to be obligatory. The Committee examined, among other witnesses, the father of his hon. and learned Friend opposite (Mr. Phillimore), Mr. Amos, Lord Campbell, and Lord Brougham, and they referred also to the practice of other countries. In Germany, it appeared, the most stringent examination was required before men were admitted to the bar. In that respect England was behind every other country. That ought not to be so; there ought to be some real *bonâ fide* test, not of mere forms and names which signified nothing, but of general and comprehensive knowledge. The benchers were in this position—there were a number of Inns of Court, and if the benchers of one particular Inn determined to impose a test before admitting men to the bar, the students would go to another Inn to avoid the examination. It might be said that competition between the Inns of Court would effect the object desired; but this competition between them was not which Inn should impose the best tests, but which should impose the least. Not long since, the Inner Temple required an examination, and, instead of availing themselves of it, the students went to the other Inns to enter themselves. Unless harmony of action could be secured amongst the Inns of Court, the action of any particular Inn was useless. It was even doubted by Lord Brougham whether the Inns of Court had the power of imposing an examination without the help and authority of the Legislature. Lord Brougham also intimated that if the benchers insisted on compulsory examination to admit to the bar, they might be attacked in a court of law as exceeding their powers, for he thought that every one who entered had an inchoate right to be called to the bar without examination. Lord Campbell differed from the noble and learned Lord in this opinion, but some legislative interference was absolutely necessary. The voluntary course had been tried. Persons might be attracted for a time to attend lectures and examinations in the case of a popular lecturer, but they soon absented themselves, and no efficient legal education could be secured by this means. The Inns of Court were clearly a species of University for the purpose of training young men to the study of the law. The compulsory attendance of the Irish students originated in this view; for the very ground upon which Irish students were compelled by the 33rd of Henry VIII. to keep terms in one of the English Inns of Court was, because they might thus acquire a knowledge of English law. Giving the benchers full credit for a desire to promote legal education, it could hardly be denied that the condition of the Inns of Court, and the provision for legal education, were far short of the requirements of the age. The Inns of Court had ample revenues and large accommodation, and they received fees and dues from the students, in return for which it was important they should make public provision for their education. There was a peculiar class of men who, without private means, had to fight their own way to the bar. They were the best class of men, because they got on by force of their industry and talent, and it was desirable that this class, who had no independent means, should be aided and encouraged. There was another class, who were intelligent but not industrious, and they required guidance and assistance. The general character of the bar would be secured by the systematic character of the education they received, and an enlightened spirit would pervade them, such as would stamp our jurisprudence with a character commensurate with the wants of the times. He contended that the Inns of Court were bound by public trust to supply that kind of education, and, failing to do so, the interposition of Parliament by a Commission was actually needed. The Inns of Court had their origin in the separation of the common and canon law, the latter of which was taught in the Universities, but complaints being made that the lay practitioners were illiterate and venal, in the 18th Edw. I. a Commission of inquiry was issued. In the following year (1292) representation was made to Parliament, and the King, with the sanction of Parliament, issued a second Commission for these purposes — 1, to appoint attorneys from every county to practise in the courts; and 2, to provide pupils to study the common law, and secure its continuance. The substantial object was to secure, by a system of training, the keeping up of lay practitioners of common law. The students were styled in the Commission *apprenticii libentes addiscere*. In the time of Edward III. the Inner and Middle Temple and Gray's Inn were founded; the Inns of Chancery were assigned for the younger students; the Inns of Court for the governors and higher orders. He might adduce a great deal of evidence that the Inns of Court were a public foundation and trust. Fortescue described them as follows:—

> "1. Inns of Chancery, in which younger students began, learning and studying the elements and principles of the law, who, profiting therein as they grew to ripeness, were then admitted to the greater inns of the same study, called Inns of Courts. Barons and knights, and other grandees, and noblemen of the kingdom, were accustomed to place their children, though they did not desire to have them thoroughly learned in the law, or to get their living by its practice."

The Inns of Court were called by Fortescue the "Lawyer's University;" there was advancement in them for the student in a regular system of collegiate gradation, and proficiency was tested and rewarded. They were, as Fortescue described, designed for the reception, lodging, and education of professors and students of the law. Every degree and office was then the reward of services performed—1st, mootemen; and after eight years, 2nd, utter barristers; and after twelve years, 3rd. antients or benchers, who performed the duties of readers, and from whom were selected the attorney and solicitor general, the sergeants, and the judges. The statute of Henry VIII., requiring the Irish students to come to London, set forth the reasons:—

> "No person can do or minister any thing or things in any of the Four Courts of Dublin which hath been used to be done by one learned, or taken to be learned, in the King's laws, but such person or persons as hath or shall be for the same at one time or several times by the space of years complete at the least, demurrant and restant in one of the Inns of Court within the realm of England, studying, practising, or endeavouring themselves the best they can to come to the true knowledge and judgment of the said laws."

In 1574, in the reign of Queen Elizabeth, it would appear there was a falling off, and a remarkable Order in Council was issued for the government and reform of the Inns of Court. The Order in Council, by giving minute directions about the chambers and the admissions of students, showed that even in those days the Inns of Court required a little dusting. This order was signed by Bacon, Burghley, Sussex, Leicester, Walsingham, and the most eminent statesmen of the day. Even thus early in Elizabeth's time it appeared that the Inns of Court had been falling away from the objects for which they were instituted, and that they required public surveillance. In the thirty-third year of Elizabeth there was an order of the Judges, reciting the falling off of the readings and mootings, and reprehending "the excessive and sumptuous charges of the reader, which must be an utter overthrow to study and the learning of the law." The reader was ordered from that time not to allow more wine to be spent at his reading than two hogsheads and a half. In the beginning of the reign of James I. (in the year 1609) a grant was made in perpetuity to the Inner and Middle Temple, from the Crown, and the trust was "for the lodging, reception, and education of the professors and students of the laws of this realm." Lord Coke, in the preface to his third book of *Reports*, described the four Inns as four famous colleges, each with at least twenty readers, thrice so many utter barristers, and eight or nine score young gentlemen studying law; and Lord Coke called it "a famous University." There was also an Order in Council in the time of James I., which recited:—

> "For that the institution of these societies was ordained chiefly for the profession of the law, and, in a second degree, for the education of the sons and youth of riper years of the nobility and gentry of this realm."

In the Report of Mr. Wyse's Committee, in 1846, it was stated as to the Inns of Court, that they were—

> "Originally founded and endowed for these very objects, and thus requiring no innovation, but such modifications only as existing society may demand to fit them for places of special legal education."

The sixteenth Resolution of Mr. Wyse's Committee set forth that no innovation was required in the Inns of Court; all that was necessary was to revert to the original objects of this institution. It was clear that the design of the Inns of Court was that by a course of regular and gradual training, they should secure the proper education of men who were going to the bar, and that they should test their efficiency by a system of examinations. Lord Bacon, with his profound and comprehensive mind, saw the defects that existed in them in his time, and also lamented the want of systematic education at our Universities for law and public life. He advised that a chair for the teaching of law should be founded in each of our Universities, and liberally endowed. He was desirous that an education more especially should be fitted for the training of men for the law and public life, and he suggested the laying of a deep and comprehensive basis—"the model of a great building." It was most desirable that men should lay a broad and deep foundation of general training before they came to the special knowledge required by their profession. That training and this knowledge were not supplied satisfactorily at the Universities or at the Inns of Court. The great defect of education in recent times had been its too technical character, and the study of the law had been very happily described as going into a pleader's office for two or three years to learn to tell a plain story in very unintelligible language. Thus the education began with the acquirement of knowledge of a narrow and technical character, and this it was which had caused the profession to be depreciated in the public estimation. The public saw mysticism, delay, expense, and technical procedure in the conduct of suits, and they supposed that there was nothing liberal or enlightened in the profession of the law. The Universities delayed to carry out the suggestion of Lord Bacon, and it was not until the Vinerian Professorship was established at Oxford that a beginning was made. The lectures of Mr. Justice Blackstone had, by their clearness, high cultivation, and classic taste, secured the gratitude of posterity: and the Vinerian Professorship led to the foundation, in 1761, of a professorship of English law in Trinity College, Dublin. The reasons stated for founding it were:—

> "The great advantages to the University and Kingdom which had been found to arise from the Oxford Professorship, and because, among the more polished nations, the study of municipal laws ought always to be held in the highest honour, as being not only the great ornament of the nobles and princes of the State, but also especially necessary to its safety."

At present, the only qualification for being called to the bar was that a man should eat and drink and be able to write his name; and yet barristers of six and ten years' standing were declared by that House qualified to fill various public situations. The noble Lord (Lord J. Russell) in his new Reform Bill proposed to treat the Inns of Court as a University, and the barristers as its graduates. There never was a time, therefore, when it was more desirable to give reality to these names and forms, and to found these privileges upon real education. The University of Dublin had done a great deal, and had concurred with the benchers of the King's Inns in making provision for the education of students. The Legal Education Committee, appointed by the Council of the King's Inns, said, in their report:—

> "We learn that France, Italy, Russia, all the Kingdoms and States of Germany, and the United States of North America, provide public means of legal education, by lectures and examinations, and require all candidates for the profession of an advocate to avail themselves of those advantages. The same system has, of late years, been adopted by Scotland."

He thought the gentlemen of the Scotch bar were, as a body, more liberally educated than the members of either the English or Irish bars. They did not set about acquiring technical knowledge until they had studied the civil law and laid a good foundation of general knowledge, and they were still endeavouring to improve the education of their law students. The Dublin Education Committee showed that the want of a course of legal instruction by lectures and examinations had operated very injuriously upon English jurisprudence. They continued:—

> "This deficiency may be traced in text books, in the arguments of the bar, and even in the judgments of the bench, producing an undue and increasing preference of memory to reason—of technicality to science—and of the mere citation of cases to the development of legal principles. They consider this growing tendency to be disparaging to the law and its professors, and prejudicial to the administration of justice, and that its remedy lies in the inculcation of a sound elementary system, whereby the mind, commencing with the first principles of the science, shall be furnished with means at once to test and to classify all subsequent acquisitions of knowledge, instead of being left as the student, in a great measure, has hitherto been, to collect principles for himself, as best he can, among the infinite details and ever increasing mass of thousands of cases."

The Dublin benchers proposed to introduce substantial improvements, but they were hindered by the arrangements in England. He had received, however, communications from the late and the present professor of law in Dublin, in which they expressed a confident opinion that voluntary lectures without examinations were not sufficient. There would always be a few more earnest and more industrious than others; but for the great body, unless there was established a system of periodical examinations, and a final examination to test their proficiency, nothing would be done commensurate with the wants of the times. But it would be said that many gentlemen were now called to the bar who did not intend to practise, and that these gentlemen would not like to go through the compulsory examination. But he saw from the Oxford University Report that there was every probability of a great improvement in University education, and, although the attendance upon the lectures of University professors of law would not complete the education of a young lawyer, yet it might do a great deal under University discipline, in laying a deep and broad foundation. What was wanted was that University students, especially those who intended to follow the profession of the law, should receive at the Universities such a knowledge of the principles of mental and moral philosophy, civil law, and general jurisprudence, as was necessary to complete the education of English gentlemen, and enable them to take a part in public life with credit to themselves and advantage to the community. A Commission could confer with all parties, and advise a general plan. It would, of course, be necessary that the Commission should be composed of men whose names would command public confidence. If such a Commission would place themselves in communication with the Universities and the Inns of Court, they might carry out a harmonious plan between the Universities on the one hand and the Inns of Court on the other, from which the greatest advantages might be derived. In Ireland the greatest harmony existed between the University which he had the honour to represent, and the King's Inns, but they were hampered by the regulations requiring the Irish students to come to England, where they had nothing to do but to eat a certain number of dinners. There was a difference of opinion as to whether Irish students should be required to come to England. For himself, all the legal knowledge he had obtained was in England, and, from intercourse, his feelings were much with England; but he could not attach any value to merely requiring an Irish student to come over and eat dinners at one of the Inns of Court. He did not think it would cement the bond of union between the two countries. It was rather regarded as a mark of provincial dependence than friendly intercourse for the purposes of enlightened education. At this time, when they considered the great changes that were going forward, and likely to go forward, in the structure of their laws, if ever there was a time, it was the present, when they ought to teach jurisprudence more as a science. They were on the eve of important changes in the system, which required to be considered in an enlightened, liberal, and comprehensive spirit; and also, from the greater intercourse between different nations, international law had become an important part of a lawyer's education. The struggles of students under the existing system, and especially of Irish students, were very great. He would take the case of the late Lord Plunket, than whom a man of more splendid abilities or more vigorous intellect never came from Ireland to this country. His early life had been a struggle with difficulties. He had been obliged, at great inconvenience, to keep his terms in England before he was called to the Irish bar; and yet when Mr. Canning offered him an English peerage and the Mastership of the Rolls, the English lawyers interposed, and rejected him as an Irish lawyer. What must have been his feelings, or the feelings of his countrymen, under the infliction of such an injustice? He was convinced that they must have the Universities doing their duty by having chairs properly endowed, and he thought, when they came to consider a complete plan, in conjunction with the Universities, they ought to try if they could have law scholarships for those students who had no means otherwise to advance themselves. They would thus encourage and develope the most important capabilities of the country—its intellectual and moral resources. How important would it have been to Lord Eldon to have had assistance of that kind. How important would it have been to Lord Plunket, and such men, who had to struggle through difficulties in early life. If they desired to put the profession upon a right basis—to give it weight and influence—they must do much to improve the course of education. By giving to both countries a sound and harmonious system of education, they would unite them much more closely than by dragging the Irish students to this country to go through a course of dinners, when their time and their money might be much better employed at home. Next to theology, nothing was more important than the science of law. No greater duty rested upon the Legislature than to make the knowledge of it commensurate with the requirements and demands of the age; and that object could not be obtained unless they adopted a system which would make its students real masters of their honourable profession. He begged to move the Address of which he had given notice.

MR. FITZSTEPHEN FRENCH seconded the Motion.

Motion made and Question proposed—

"That an humble Address be presented to Her Majesty, praying Her Majesty to appoint a Commission to inquire into the arrangements in the Inns of Court for promoting the study of Law and Jurisprudence, the revenues properly applicable, and the means most likely to secure a systematic and sound education for students of Law, and provide satisfactory test of fitness for admission to the Bar."

The ATTORNEY-GENERAL said, he was anxious to take the earliest possible opportunity of stating that he gave his most ready and cordial assent to the proposition of the right hon. and learned Gentleman. He thought it quite unnecessary to go into the origin of these institutions, or to follow the right hon. and learned Gentleman through the elaborate details into which he had gone. It was quite enough, he thought, that these Inns of Court had had committed to them the provision, superintendence, and control of the legal profession, to entitle that House, if desired, to enter into a thorough inquiry into their constitution, and the means they possessed. He did not hesitate to state the country had a deep interest in the proper maintenance of the legal profession. There were none of us, from the highest to the lowest, who might not occasionally require to have resort to their services, and from their body were selected men of ability, to whom was entrusted the administration of the law. He could not, therefore, have the slightest doubt that the constitution and resources of these societies were matters of public concern, and in which the public were greatly interested. On the other hand, he did not anticipate, from the appointment of a Commission which it was proposed to pray Her Majesty to grant, to see those great results which the right hon. and learned Gentleman seemed to expect. If the present state of legal education was such as it was when the right hon. and learned Gentleman first became a member of the legal profession, he should quite agree it was a matter of paramount necessity that such a Commission should be issued. But the right hon. and learned Gentleman seemed to overlook all that had been recently done to put legal education on a better footing. As to founding professorships, what was the fact? Why, in the last two years, five professorships had been founded by the Inns of Courts—one on civil law, one on common law, one on the law of real property, one on equity, and lastly, one on legal history and constitutional law—and these professorships were by no means inadequately supplied with funds. The examination which had also been instituted, though not made compulsory and necessary to a call to the bar, was a great step in that direction. A great experiment was being tried, and there could be no doubt the governing bodies of the Inns of Court had the most anxious desire to place legal education on a sound and satisfactory footing. When they saw what was doing, and when they saw the names (he would not mention any who were Members of that House) of the Master of the Rolls, the Vice-Chancellor Sir William Page Wood, Lord St. Leonards, Lord Justice Knight Bruce, appended to the resolutions on the subject, he need not say much to convince the House the matter was in admirable hands. He should mention also that studentships had been founded, one to be given upon examination in every term, of 50*l.*, and to last for three years. These things had been done within a very recent period, and when he mentioned the names of the individuals who had taken it in hand, he thought that was quite sufficient to satisfy the House the matter was in safe keeping. Still the right hon. and learned Gentleman thought that the Commission should issue. Be it so. At the same time he did not think it would conduce anything more to the result of the labours of those in whose hands it rested, with this exception, that it would have the result and effect of dissipating a vast deal of prejudice and misconception as to the revenues of these societies and their application to legal education. He was happy to say there was but one feeling on this subject. The society to which he had the honour to belong, and of which he was a bencher—the Middle Temple—authorised him to state they should be most happy if Her Majesty granted the inquiry, and they would give every possible information and every possible assistance to the Commission. He was aware that a similar resolution had been come to by the Inner Temple, and he had only just now been requested by the hon. and learned Member for East Suffolk (Sir F. Kelly), who was a member of Lincoln's Inn, to state that the same feeling prevailed, so far as he had been able to ascertain, in it, though there had been no opportunity to have a meeting of the benchers. He had no doubt every assistance would be given to this Commission on the part of the legal profession. They would most cheerfully receive any suggestions, and would readily take advantage of any suggestions for improving and elevating the education and general character of the bar. He must say, at this time of day, when the Universities had been subjected to a searching inquiry, it would ill become the Inns of Court to offer the slightest resistance. He hoped that all similar institutions would in the same way have the light and air let in upon them. It did them good. Oxford and Cambridge had submitted, and he hoped, when it came to the turn of the University of Dublin, the right hon. and learned Gentleman (Mr. Napier) would be as ready to submit it to inquiry.

MR. R. J. PHILLIMORE said, he entirely concurred in thinking that, unless examination was made compulsory, no good would be done by lectures. They had a strong proof of it in the fact that Sir James Macintosh delivered a course of the most beautiful lectures ever delivered in any country in the world, which would live as long as the language in which it was written, and yet, after the introductory essay, it would appear that he had not succeeded in attracting an audience which induced him to continue his lectures. In the sketch of the history of jurisprudence which the right hon. and learned Gentleman (Mr. Napier) had given, he thought he had not dealt fairly with that branch of the profession to which he (Mr. R. Phillimore) had long had the honour of belonging. But for the courts of civil and ecclesiastical law, so often and so ignorantly abused, the study of general jurisprudence would have been extinct in this country. Let it be remembered, without going further back, that this branch had given to the world Lord Stowell, who was a powerful illustration of the advantages which attended the cultivation of the science of jurisprudence. That learned Lord had studied the principles of jurisprudence in almost every language, and was regarded by all nations as one of the greatest authorities who ever lived. He heartily wished his right hon. Friend success in the cause which he had so ably advocated.

THE SOLICITOR GENERAL said, he should be sorry to permit this Motion to pass without offering a few observations, and, in the first place, he wished to express the gratitude which he felt the profession, and he was sure the country, owed to the right hon. and learned Gentleman opposite for having brought forward this subject, and for having illustrated it as he had done. He could not, however, agree with his hon. and learned Friend the Attorney General in the conclusion at which he had arrived, that the matter was one which ought to be left entirely in the hands of the Inns of Court. It was undoubtedly true that those learned bodies had done something in the way of reform, but what had been effected was mainly through the students themselves, who were very anxious to obtain instruction, and who were endeavouring, as far as possible, to reap the benefit of the institutions which had been founded, and which, unquestionably, of late had been placed on an enlarged basis. It was now eight or nine years since he had first called the attention of the Inns of Court to the neglect of an important duty which he had thought it was incumbent upon them to discharge; and in 1852, a Committee had been appointed which had taken steps towards the adoption of a large and more liberal system, although that which had hitherto been done was by no means adequate to the wants of the students. But if ever there was a nation in which legal education was a public duty and a public necessity, that nation was England, because by the institutions of this country the people were invited to take part in the administration of the law, and it was their bounden duty, therefore, to provide them with the means by which they might become qualified to do so, by obtaining a general knowledge of the principles of the law. The Universities, for a long time, had neglected this duty; and the Inns of Court, he was sorry to say, had shared in that neglect. The only thing which he regretted was, that the terms of this Motion were not more comprehensive than they were, for he should like to see the Inns of Court erected into one great Legal University, not only for the education and instruction of persons who intended to follow the law as a profession, but for the purpose of co-operating with the Universities of Oxford, Cambridge, and London, in the education of the public at large. He hoped to see the time when, in the great scheme for the improvement of the seats of learning and the courts of the country, there would be found departments in which a degree—manifesting the attainment of some knowledge and some experience in the law, and which degree would be requisite to give a position at the bar—should be granted as the reward of study and genius. He, therefore, hoped the time was come when, being about to introduce into the Universities of Oxford and Cambridge a system of general education in law and jurisprudence, the Inns of Court might be erected into an institution which might be the means of carrying further and perfecting what the Universities would commence. The Universities at present could only admit a limited number of students, and he believed that large numbers would be found who would very gladly resort to the schools of law if they were established on the basis on which they ought to be established in this great country. It was with some shame that he had ascertained the unfavourable position we were in contrasted with France. In Paris alone, the number of professors reading in the different departments of the law, with a view to the education of the people at large, was more than three times the number lately established in this country. Nor was this confined to Paris, for there were no fewer than eight municipal towns which possessed, to a certain extent, either local universities or large public schools in which the study of the law was systematically pursued. In this country we had nothing of the kind, and he thought the time was come when we ought to have it. He should be sorry, however, if that House or the country should believe that the Inns of Court continued in a state of insensibility, inactivity, or indolence in reference to this important subject. He believed they were convinced that they were great national institutions, having duties and obligations corresponding with the rights which they enjoyed; but he thought that the way in which those duties and obligations ought to be discharged was a proper subject to be inquired into by that House, and that, if it were necessary, additional powers should be given them, in order to enable them to discharge them with efficiency. There could not, in his opinion, be a more laudable occasion for an Address to the Crown, than the subject which this Motion involved. He begged to repeat his thanks to the right hon. and learned Member for proposing it, and he trusted it would be considered in the proper quarter whether it could not be made available for greater ends than those which the precise terms in which it was drawn up appeared at present to contemplate. He should mention, in justice to the Inns of Court, that, in addition to nine studentships which were awarded after examination, and each of which was tenable for three years, and was of the value of fifty guineas a-year, there were also given, by the council of legal education over which he had the honour to preside, certificates of honour, which conferred upon the holders some advantages. Some basis, therefore, had been already established, but the great essential of compulsory education, of which he had always been the advocate, but in reference to which he had not obtained support, was necessary for the perfection of the system. In addition to that, he thought a greater number of professors, with emoluments which would enable them to devote themselves exclusively to the business of education, was imperatively required. The state of the law of this country, on many occasions, was such as to cause great regret at the limited knowledge the English barrister possessed on many points which became the object of inquiry, and whoever was conversant with the administration of the law with respect to railways when they first became regularly established, must have observed with regret and with shame that there was an entire want of knowledge with regard to the law as it affected those companies; the consequence was, the adjudication of cases in the courts of law first set in one current and then in another, introducing a variety of conflicting decisions with respect to such cases, and a degree of uncertainty and confusion greatly to be deplored. This state of things was to be attributed in a great measure to that want of instruction in original principles which, he must say, had hitherto been characteristic of English jurisconsults, but which he hoped would no longer continue to exist.

Mr. BOWYER said that, being one of the readers to the Inn to which the hon. and learned Solicitor General belonged, it gave him much pleasure to be able to state that many of the improvements introduced had resulted from the labours of that hon. and learned Gentleman. He was glad to find that the hon. and learned Solicitor General dissented from the opinion expressed by the hon. and learned Attorney General, that the matter was one which might be left to the Inns of Court themselves, although it was a fit subject to be inquired into by the House of Commons. He said this because he was convinced that nothing great would be done so long as people were satisfied to make the most of what had been done already. Having regard to the prejudices and obstacles which had to be overcome, he was surprised that so much had been accomplished. At the same time, he must contend that very little had been accomplished after all. In estimating its importance, they must have regard to the objects for which these societies were intended—to the amount which they had set apart for the purposes of education—and to the proportion which that amount bore to the whole of the resources at their command. They were told that the revenues had been overrated, but they had had no means of judging, as the amount had hitherto been kept secret from the public and the bar; but he believed it would be found quite sufficient, not only to remunerate readers more handsomely, but to dispense with the fee of five guineas paid by students on their admission to the lectures, which fee, he contended, was a great hardship upon young men, and operated as a discouragement to persons anxious to obtain a legal education. He would point to Germany and other countries as affording a great contrast to ours with respect to the study of jurisprudence, a science which, in his opinion, it was of the greatest importance to cultivate. If they had a body of professors they would be found of the greatest service in a subject which more and more engaged the attention of Parliament—he meant the proper revision of Acts of Parliament. A body of professors, competent to assist in drawing up Acts, and to point out what in each case would be the best method of attaining the particular object the Legislature had in view, would be of the greatest use. They could be always referred to by the Government, would render assistance to the law officers of the Crown, and might be referred to for their opinion in matters of public importance, or on any difficult points of international law. He thought there ought to be a thorough examination into the revenues of the Inns of Court, and that the public ought to be informed, not only what they amounted to, but how they were applied, in order that the object for which these Inns of Court were established—namely, the promotion of legal education among the people—should be secured.

Mr. V. SCULLY said, that the object of this Commission would be, that any illusion as to the enormous revenues of the Inns of Court would be dissipated. They would know what those revenues were. If they were adequate they would be applied in a proper manner, and if they were not adequate for the purposes for which they were intended, they might be made so. He hoped the result would be a system of examination attended by rewards to students who had distinguished themselves, and also by disqualification if that were necessary. They ought also to have a proper system of legal education, such as that the hon. and learned Solicitor General had expressed his approval of, and he trusted that the recommendations of this Commission would not be allowed to lie dormant, but would be at once acted upon. He wished to enforce on the hon. and learned Solicitor General the necessity of completing the reform on this question at once, so as to render no supplemental measures necessary.

Mr. HADFIELD said, he earnestly hoped that the proposed measure might be one of a liberal tendency, as he thought the time had arrived when the major part of Her Majesty's subjects should be no longer excluded from these educational institutions, but that free access should be given to all who claimed to be instructed. He hoped, therefore, some plan would be adopted to throw open the Universities, and that that reform would extend to the removal of all tests and difficulties which at present existed, whereby many persons who possessed conscientious scruples were prevented from taking the benefit of those institutions.

Mr. CRAUFURD said, he was rejoiced to find so great a unanimity on the part of the hon. and learned Gentlemen who had spoken on the subject with respect to the necessity of these reforms; and he considered it was greatly to the credit of the Government that they had so readily acceded to them. Notwithstanding, however, the eulogium which had been passed by a right hon. and learned Gentleman upon the Inns of Court, it was his opinion that no corporations in the kingdom had committed grosser breaches of trust than those same Inns; for he found, on reference to history, that they were founded for the purposes of lodging students and instructing them in the laws of England. It had been stated by the hon. Member for Dundalk (Mr. Bowyer) that they had no means of arriving at any judgment as to the revenues; but, from a return which he had moved for last Session, he was able to form some approximate idea, although he could not state the exact sum. From the information furnished by that return, he was able to make a calculation which led him to estimate that the revenue derived annually from the rent of chambers alone by the four Inns of Court—namely, the Inner Temple, the Middle Temple, Lincoln's Inn, and Gray's Inn—amounted to no less a sum than 87,680*l.* per annum; which was all originally derived from the ground they held in trust for the use of the law students, and for which land they only paid a nominal sum. How then did they discharge their trust properly when they demanded such an immense sum of money for chambers that the loss from those unoccupied he estimated at 1,200*l.* a year. They also charged expensive fees on the granting of the degree of barrister, and demanded, besides, from each student fees to the amount of 35*l.*, in addition to the 100*l.* caution money deposited as security while the students were eating their terms, the interest of which was gained by them. He calculated that, from all sources, they derived a revenue amounting to nearly 100,000*l.* a year — and yet from that amount they only set apart for the purposes of legal education a sum of 3,000*l.* a year. It was his belief that the Commission would lead to results which would be important not only to the profession, but to the public at large. His only regret was, that it did not appear to be sufficiently comprehensive to enable the Commissioners to sift thoroughly the whole conduct of these Inns of Court, and the way in which their trusts had been discharged.

MR. NAPIER said, he wished to correct a misapprehension under which the hon. and learned Gentleman the Attorney General, who certainly ought not to be supposed to know as much about Ireland as England, seemed to labour. The University of Dublin had made no objection to the appointment of a Commission, which moreover had actually requested their opinion. No other University in the kingdom had gone so far in the way of voluntary reform as the University of Dublin.

Motion *agreed to.*

PAYMENT OF WAGES (HOSIERY).

SIR HENRY HALFORD moved for leave to bring in a Bill to restrain stoppages from the payment of wages in the hosiery manufacture.

MR. HUME said, he had no objection to the introduction of the Bill—to which, he understood, the Government had given its assent—with the understanding, however, that it should be referred to the same Select Committee to which another Bill, introduced by the hon. Member for Walsall (Mr. C. Forster), for the amendment of the Truck Acts, was about to be referred, that so the whole subject might be investigated.

MR. FITZROY said, it was intended that the two Bills should go to the same Committee, and the hon. Baronet opposite (Sir H. Halford) had concurred in that arrangement.

MR. CRAUFURD said, unless the reference to a Select Committee were to take place before the second reading, he should oppose the Bill at this stage.

SIR JOSHUA WALMSLEY said, he understood that the Bill referred to a particular manufacture and a particular locality. He had had communications with a number of persons connected with this trade, and he could assure the House that all they desired was, that the whole subject should be fully and fairly investigated by a Committee. He was glad to hear, therefore, that the hon. Baronet had acquiesced in the suggestions which had been made by his hon. Friend the Member for Montrose to refer the Bill to a Select Committee.

MR. WILKINSON said, he would admit that there might be some pressure and some cause of complaint, but he did not think that this could be remedied by legislation, and he would only consent to the introduction of the Bill on the understanding that there should be a very searching inquiry.

MR. FITZROY said, his understanding certainly was that the Bill was to be referred to a Select Committee after, and not before, the second reading. He did not think that there could be any necessity for a general inquiry into the question of truck, because that question had been very fully investigated in the year 1842, by a Committee composed of some of the best men in that House. Nothing since then had arisen to render a fresh Committee necessary. What he was directed to inform the hon. Baronet who introduced this Motion was, that the Government were prepared to consent to the introduction of the Bill, with the intention of referring it to the Committee in question. He was not prepared to consent to a Committee on the subject, which might have the effect of throwing the matter over the whole Session.

Leave given.

Bill *ordered* to be brought in by Sir Henry Halford, Sir Joshua Walmsley, and Mr. Packe.

SMALL ARMS.

MR. GRENVILLE BERKELEY said, in the absence of his hon. Friend the Clerk of the Ordnance (Mr. Monsell), he had to move the appointment of a Select Committee to consider the cheapest, most expeditious, and most efficient mode of providing small arms for Her Majesty's service.

LORD DUDLEY STUART said, that this was not a local question merely affecting Birmingham, for it would also affect London, where there were eighteen houses engaged in the manufacture of small arms, and employing from 1,000 to 2,000 operatives. The London manufacturers complained that they had had no opportunity afforded them by the Government of showing what they could do, and that their establishments had not been inspected by the Ordnance officers, nor had any measures been taken to ascertain whether they were able to supply arms or not. Those who objected to the establishment of a Royal manufactory of arms did so on the ground that the Government could not supply arms either at so cheap a rate or of so good a quality, by any Royal manufactory, as they could be by the unfettered industry of the country. He approved of the appointment of a Committee, but he hoped it would be a fair Committee, and he would venture to say that no Committee would be satisfactory to the manufacturers or to that House which did not include the name of his noble friend the Member for Totness (Lord Seymour).

MR. HUME said, this question had been argued the other night as if the Government had never attempted any experiment of the kind; but in 1808 a Government manufactory of small arms was established, upon which, up to 1811, no less than 66,000*l.* had been expended, and that manufactory was abandoned in consequence of the recommendation of a Commission declaring the impolicy of maintaining it.

Motion *agreed* to.

The House adjourned at eight minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 2, 1854.

MINUTES.] PUBLIC BILL. — 3ª County Court Extension Act Explanation.

THE SCOTCH MILITIA.

THE DUKE OF MONTROSE asked the noble Earl at the head of the Government whether it was intended to call out the Scotch militia this year, a point which did not appear clear from the answer the noble Earl gave to the Earl of Wicklow on Tuesday last?

THE EARL OF ABERDEEN said, that what he stated in reference to the Irish militia was, that it would not be embodied this year; but it was the intention of the Government to call out the Scotch militia, to the number of 10,000, in the present year.

COUNTY COURT EXTENSION ACT EXPLANATION BILL.

LORD BROUGHAM: My Lords, in rising to ask your Lordships to give a third reading to this Bill, I feel still more occasion than my noble and learned Friend on the woolsack did the other evening to ask your indulgence, on introducing a subject so comparatively trifling in itself, and, in the interest which it is likely to excite, so immeasurably less material than that which above all others now engrosses your Lordships' attention—namely, a declaratory Bill for the amendment of the law respecting the jurisdiction of the County Courts. Not, my Lords, that I grudge—God forbid!—in the slightest degree, the absorbed attention of the community, as well as of Parliament, to the great events which are now, I much fear I must say, impending over the rest of Europe as well as over this country. I have been long anxious, my Lords, to disbelieve that it was possible that such a calamity as war should disturb the peace of the world. I have long struggled against that belief, in spite of all the too manifest indications that appeared of my being wrong. But, my Lords, as men are ever most ready to believe what they wish, so they are most reluctant to give their assent to what they most dread, most detest, and most abhor. My Lords, I could not conceive it possible that they—I purposely use a very vague and indefinite expression—that they who have hitherto stood forward as the patrons of order, the friends of peaceful institutions in Europe, and the guardians of arrangements by which that peace seemed to be secured—that they should, as we now find there is but too much reason to believe—to the grief of mankind, to the astonishment still more than the grief, and to the indignation still more than the astonishment of the world—that they, I say, should have become, all at once, the disturbers of this peace and the abettors of wide-spreading insurrection and confusion; and if it is not wide-spreading, it is owing, first of all, to that happy alliance between the two great Western Powers which Providence, ever educing good from evil, has been pleased to bestow upon us; and next, to the wise and firm, and I trust it will continue wise and firm, conduct of the German Powers, which, even more than the rest of Europe, have an interest in staying that great calamity, and which I hope and trust will show that they are acting according to their best interests, and in the discharge of their highest duties. My Lords, I must also say that the delay that has taken place I deem most fortunate for the world. I deem it not only most justifiable on the part of my noble Friends opposite, but praiseworthy in every sense of the word—for it is in that reluctance, which I share with them, as well as that disbelief of apparent impossibilities, that this delay has had its origin; and it has produced, in my clear and decided opinion, none but the best and happiest results. My Lords, I ought to apologise for stepping aside from the comparatively insignificant proposition which I am now about to make to you; but I have not before had an opportunity of expressing my opinions and my feelings on this subject; and I have had occasion to know that that silence of mine, which has not been voluntary, has been elsewhere misconstrued. My Lords, in reference to the Bill, the third reading of which I am now about to move—the important measure relating to the County Courts, to which your Lordships gave your sanction some few years ago, has been found to be attended with a misapprehension, as some will say, as to the purport and intentions of the Legislature in one respect; at all events an error was committed in framing the measure, and it is absolutely necessary that that error should be rectified. Your Lordships will remember that in 1833 a Bill was first introduced into the other House of Parliament for the establishment of County Courts, but that it was rejected. A Bill was also subsequently brought forward on the same subject in your Lordships' House, and after being referred to the Common-Law Commissioners, was carried to almost its last stage. My noble and learned Friend (Lord Lyndhurst) and I, though differing with respect to some of the provisions of that Bill, agreed that the best course would be to read it a second time—which was done after the Bill had undergone a good deal of discussion—and then to refer it to a Committee, by whom the whole provisions would be thoroughly examined; then, the Bill being reduced to a state in which it might be fit to pass, that the discussion on its merits should be taken on the third reading. Notwithstanding, however, all our efforts to make that Bill as perfect as possible, it did not pass into a law. Now, in that Bill there was a very important clause, which provided that all questions, touching tolls, franchises, bankruptcy, and other cases not coming under the description of debt or contract, as well as certain questions of tort, should be excluded from the jurisdiction of the local courts unless by consent — the ordinary jurisdiction of the courts limited to cases under a certain amount in cases of debt or contract, and to cases under a certain lesser amount in actions of tort. But then there was this important clause, called "the optional clause,"—that, if both parties chose to have their cases tried, whatever might be the amount of the claim for debt or damages, and also if they chose to have one of the excluded actions tried—for instance, an ejectment, or a question relating to tolls, franchises, or bankruptcy—in all those cases, by consent, the jurisdiction of the local courts should be to the extent to which the parties agreed, notwithstanding the limitation of jurisdiction by a previous clause, to which I have adverted. The County Courts Bill of 1846, to my great regret, left out a very considerable portion of the Bill of 1833; and among other provisions the "optional clause" was unfortunately omitted. In settling the Bill of 1850, for extending the jurisdiction of the County Courts, it was deemed a good opportunity for introducing the "optional clause;" which, by a mere accident, had been omitted from the Bill of 1846, and from the Bill of 1833 the "optional clause" was copied, and inserted in the Bill of 1850; but in inserting that clause, the proper consequential change was not made in the "appeal clause," and the consequence was, that whereas by the Bill of 1833 an appeal was given in any case whatever, the Bill of 1850, instead of saying the appeal would lie in any case in which a party was dissatisfied with the judgment of the County Court, said, "in any case where jurisdiction was given by this Act," meaning the Act of 1850. Now it has been held by a competent tribunal that, in certain cases, jurisdiction was not given by the Act of Parliament, but by the consent of the parties. I contend, on the contrary, that it is by the Act alone that jurisdiction is given, though the ground on which that jurisdiction is given is the parties' consent. The consequence has been, however, that the appeal has been construed to be confined to cases of debt, contract, or tort, but does not apply to ejectments, tolls, franchises, bankruptcy, and the like; and it is to provide a remedy for that defect that I have prepared the Bill, the third reading of which I now move. There cannot be the slightest doubt that the mistake arose from inadvertency in copying the clause out of the Bill of 1833, without making the corresponding consequential alteration in the appeal clause. I beg your Lordships' pardon for engaging your attention so long; but I can assure you that no small importance is attached to the change I propose by the Bill, for the reason that the fact of there being no appeal in certain cases tends to restrict, rather than extend, the resort to the County Court. I ought to add that that resort is at present already materially restricted by the great fees attached to the practice in the County Courts, which are in many cases much larger than those in the superior courts. I hope the attention of the County Court Commissioners will be drawn to the necessity of making a diminution in the expense of resorting to those most useful and admirable tribunals, and so remove what is at present the only obstacle to their complete success.

Lord CAMPBELL said, there could be no doubt as to the usefulness of the measure introduced. He proposed, however, as an Amendment, that the words in the preamble of the Bill, stating that doubts had arisen as to the power given by the appeal clause, should be struck out. The only tribunal before which this question had come was the Court of Exchequer, the Judges of which were unanimously of opinion that there was no power of appeal given to those who had availed themselves of the optional clause. After their solemn decision, he considered the words stating that doubts had arisen on the subject would be disrespectful.

Lord BROUGHAM said, he would adopt the suggestion.

Bill read 3^a; Amendments made; Bill *passed*, and sent to the Commons.

THE MILITIA.

The Earl of ELLENBOROUGH, having moved, pursuant to notice, for an account of the expense of the militia in 1852 and 1853, the number of men enrolled in each regiment, and the number of men who failed to attend the second assembling for training (in continuation of the Account No. 42); and an account of the complement of each regiment of militia, said: I may now perhaps state to your Lordships the result of the returns made up to the 14th August of last year. Unless a very material change has taken place in the numbers enrolled, my noble Friend opposite (the Earl of Aberdeen) was wrong in stating that 80,000 militiamen had been raised. It would rather seem that 63,000 have been enrolled, and that, of these, 60,000 only have come forward. But, in looking over the lists, one cannot but be struck with this remarkable circumstance, namely, the very great deficiency which occurs in the number of men raised in the counties of York and Lancaster, especially the West Riding. In each of these counties there appears to be a deficiency of 2,000 or 3,000. It is most remarkable that the population of these particular districts are those who are to receive the largest share of the favour of the Government in the new distribution of political power, under the Reform Bill submitted to the other House of Parliament, and it is precisely there that the population have contributed little or nothing to the national defence. I have throughout taken a very great interest in the success of this measure; I have done what I could in my own county to carry it into effect, and it was satisfactory for me to observe that in that county, at least, the steps taken to enlist the requisite number of men were attended with great success, one of the regiments having obtained its full complement, and the other very nearly its full complement. And this, my Lords, I must take the liberty of stating, as the result of the consideration I have given to the subject and the observation I have made, that in every case where the gentlemen having influence in their different counties have exercised that influence among their neighbours, especially if they were aided by the farmers, and where they would take the trouble of endeavouring to engage volunteers, the full complement of men would soon be enrolled. I must admit there is one very great advantage ancillary to the exertions of individuals in this matter; I must say, in my opinion, there is very great facility in carrying into effect the provisions of the Bill in all those counties in which there is a large police force. There is no doubt that the members of that force are the very best recruiting officers that can be employed, especially stimulated as they are by that most useful provision, that the person who brings in a recruit shall receive 5*s*. for doing so. Very considerable effect is likewise to be attributed to the apprehension of the ballot. It is impossible to say to what extent that apprehension operates; but there can be no doubt that it has its effect. With respect to what may be done by individuals, I have observed, that when particular individuals and the farmers have taken an interest in the success of the measure, so many volunteers were brought forward in particular parishes, that if all parishes had come forward and produced their volunteers in the same proportion, not 60,000 effectives, but 170,000 effectives would have been enrolled. I recollect most particularly that a captain of militia, a gentleman of no considerable property, but of great zeal and energy, marched into Tewkesbury at the head of the body of volunteers, equal to the number of those which he was to command, entirely obtained by his own exertions and activity. It certainly occurs to me that it would be most advisable that Her Majesty's Ministers, desirous as they must be to obtain the full complements of the militia regiments, should avail themselves of the clause in the Act that makes the militia districts conterminous with the superintendent-registrars' districts. The boards of guardians are a most important and valuable machinery for the purpose of effecting any great measure of public utility within their unions; and if the chairman of the board of guardians — himself generally one of the most influential persons in the Union — will only use his influence with the guardians, who are also generally persons of some importance in the Union, I have no doubt that they, with their friends and connections, will always be able to carry out this Act in the agricultural districts. But it is most desirable that they should be able to state to those whom they desire to induce to enlist, that it depends upon the number furnished by that Union whether or not they shall have the ballot, or any other infliction which may be substituted for the ballot. I am persuaded that, if that course were adopted, this measure would be carried out with much greater efficiency than hitherto.

But I must remind Her Majesty's Government of a measure which was recommended by the Committee of the House of Commons at the end of last Session, which I understand they promised to take into their most favourable consideration—the proposition for an extension of the rural police over the whole country. Not only has that measure many circumstances to recommend it, independently of its connection with the militia, but I feel confident that it would, practically, be found the most efficient means of procuring volunteers for the militia, and of finding them when wanted after you have obtained them. There is another provision that might be adopted should it be found difficult to obtain an adequate number of men for the militia—that of increasing the bonus, or premium, at present 5*s*., paid to each person who brought a recruit.

But, my Lords, there is a matter of very great importance, and one which must be enforced on the attention of the Government, and that is, whether resort shall be had to the ballot to supply the deficiencies that exist to so great an extent in particular districts. I feel all the difficulties of, and all the objections to, the actual operation of the ballot; and I think that, instead of at once resorting to that measure, however necessary it may become ultimately, it would be highly desirable, at least in the first instance, to substitute a penalty, to be levied on the parish which did not produce the necessary number of recruits. I think that, if Her Majesty's Ministers were to exercise the powers granted them by the Act to make districts conterminous with poor-law unions, and were then to obtain power either to enforce the ballot, or to levy a fine of 10*l*. on such districts for every recruit short of their quota which was furnished by them, I believe that that measure would have the most powerful effect, and that there would in future be no difficulty in obtaining the quota of men required.

But, my Lords, whatever may be the means adopted to obtain a full complement of men, and whatever may be their success, all this will be of little practical value if the Government do not—as they may do by Order of the Queen in Council—extend the period of drill beyond twenty-one days. It is impossible for any one who has seen a battalion at the end of the twenty-one days' drill not to have experienced the greatest regret that the period of drill was not longer extended. I had the satisfaction of seeing the battalion in my own neighbourhood, and I am sure that there is no officer who would not have desired to command troops similar to them. But it is impossible for them in twenty-one days to obtain sufficient practice to render them efficient in the field. I am most desirous that, at least under the present circumstances, and during the present year, the period of drill should be extended to fifty-six days. There is this further reason for such a step, arising out of the present circumstances—that whereas hitherto, in consequence of the presence of a large body of regular troops in the country, it has been possible to furnish each regiment of militia with a considerable number of non-commissioned officers and soldiers of the line for the purpose of drilling them; it will be impossible to furnish the same assistance to the militia when the number of regular troops at home is diminished; and a consequent diminution in the steadiness of the battalions will be the result. It is a question whether it would not be desirable to use the military pensioners permanently for the assistance of the militia regiments; but of this I am certain, that not being able to rely on the constant presence of so many soldiers as have been heretofore taken from the regular regiments, it is absolutely necessary, in order to obtain the same degree of steadiness, that you should have a much longer period of drill. I am, indeed, most desirous that while we are at war, as we are or shall be, we should have the whole of the militia on permanent service. I think this would be most advantageous, in order to enable us more freely to dispose of our regular force, while it would enable us to obtain for the militia regiments the services as officers of a class of persons very superior to those whom we could expect to have under present circumstances, while the militia is only out for a short period and at an uncertain time. If the militia were permanently embodied during the whole of the war, I should think that we were laying the foundation of permanent public security, and that circumstance I should deem as one of the greatest advantages we could obtain, and as an important compensation for the evils attendant on the state of war in which we are likely to be involved. I must admit that I look with much greater anxiety than I should otherwise do to the determination which Her Majesty's Ministers may come to upon the subject, in consequence of my entertaining a very great apprehension that the resolution to detach so many troops to Turkey is at least premature, and that it is desirable to see daylight in the Baltic before we decided on detaching so large a proportion of our disposable force. It is, indeed, quite true that, if our fleet be reinforced by the French naval force stated to be destined for the same service, the squadrons of the two allied Powers in the Baltic will be amply sufficient to secure us against any hostile attack from that quarter, and to establish our predominance in that sea. But without that reinforcement from France, undoubtedly such preparations as I have yet heard of, with respect to the naval force to be provided by this country alone, will not be sufficient for that purpose; and I must say that, however gratified I may be to see the presence of a French fleet in conjunction with ours—however desirous I may be of seeing the preponderance of the two great allies established in the Baltic—it is not satisfactory to me to think that England must depend upon the assistance of France to produce in the Baltic a fleet superior to that of Russia—that is, practically, to defend our own shores;—for if we should not produce such a superior fleet in the Baltic, our own shores will be open to attack, and every port we have will be exposed to a disaster like that at Sinope. That is not satisfactory to me, nor can it be satisfactory to the noble Earl on the cross-benches, who only the other night talked of England as capable of beating all the naval Powers in the world. I see in practice that it is only by the assistance of France that we are enabled to produce a force superior to that of the one Power of Russia. That is not in accordance with my recollections of former times. Nor is it in accordance with that which I think ought to be a principle of British policy. I say that I regret, at such a period, to see so large a detachment of British troops sent on a distant foreign service, because I cannot tell that they may not be required at home. The true point for us to look to is the Baltic, not the Black Sea. If we establish a superiority in the Baltic we are safe. How can we tell that, in the course of the next three weeks, a demand will not be made upon us for troops for the Baltic?—that, as in 1807, Sweden may not ask us to assist her with troops to maintain her independence? Sweden and Denmark are both increasing their forces. Why? Because they apprehend attack. We may be called upon to assist them in the defence of their shores. But where are our troops? Gone to Turkey. We should look nearer home than we appear to be doing, and before we venture to make great detachments of troops on foreign service, we should be sure to secure the key of our own position. But it is not only in support of Sweden and Denmark that troops may be required. It is not impossible that it may occur to the distinguished Admiral in command of that fleet—as great a man ashore as afloat—that it may be extremely desirable, if not essential to our naval operations, that we should occupy some island now in the possession of Russia in the Baltic. Nothing is more probable. But where are our troops? Gone to Turkey. I feel satisfied that if we had 20,000 men disposable for the Baltic, and it were known that we had them, the presence of those men so disposable would have more effect in occupying the troops of Russia, and in detaining them on the shores of the Baltic, than any detachment of the same number of men to the Black Sea. Depend upon it that it is in the Baltic that the essential battle must be fought; and that the chief point is to obtain superiority and predominance there. We ought to have troops ready to attack a Russian island or arsenal; or rather, I should say, we ought to destroy two Russian arsenals before the breaking up of the ice shall allow the fleet to leave Cronstadt. We ought to strike the blow which was intended in 1801, and not wait till we are attacked. But of this I am sure, that if we had this force disposable for the Baltic, the influence of that force in detaining the troops of Russia on the shores of that sea, instead of allowing her to detach them for service elsewhere—the influence of that force on the policy of Sweden and Denmark—the influence of that force upon the mind of Germany—the influence of that predominance upon public opinion at St. Petersburg—would have been far beyond anything which, gallant as they may be, well appointed, well led as they may be, those 20,000 troops can possibly produce at Constantinople, or at any point in Turkey to which they may be despatched.

I beg now to move for an account of the expense and force of the militia, in continuation of the account ordered to be printed on the 15th August, 1853, and to ask what are the intentions of Her Majesty's Government with respect to calling out the militia this year, and with respect to the corps either not formed or much below their complement?

THE DUKE OF NEWCASTLE: My Lords, with reference to the first part of the noble Earl's inquiry, whether it is the intention of Her Majesty's Government that the militia should be embodied and drilled during the present year for a longer period than last year, I have to reply that it is the intention of the Government to have the militia embodied this year, not certainly for the long period of 56 days, suggested by my noble Friend, but for a longer period than last year—namely, for 28 days. The noble Earl has also moved for a continuation of returns presented to this House at the close of the last Session of Parliament. Of course, there can be no objection on the part of the Government to that return being made as speedily as possible, together with the additional information to which he has referred. But when the noble Earl complains of the number of men who are already enrolled in the militia, compared with the number—80,000—which we are authorised to enrol under the present Act, I would beg to call his attention to the number enrolled on the 1st January of the present year—66,280—as compared both with 80,000, the full force, and with the number of men—51,560—who were assembled in the course of last year, I believe that no necessity has yet arisen, either to enforce the ballot or to resort to any other penal measure, such as that which the noble Earl has advocated so strongly. I do not think that, unless we are compelled by circumstances, this is the moment to resort to measures of a penal character. The most patriotic and noble spirit has undoubtedly been evinced by the whole population of the country, with regard to enlisting either in the naval or military services; and I think that Her Majesty's Government would be making an ill return for such a spirit if they took any measures to compel that which the country are ready to do so voluntarily and so well. When we compare the numbers that have volunteered with the quota, and recollect, moreover, that even when the last return to which I have referred was made up, we were still enabled to maintain hopes that peace would be preserved; and when we recollect that the spirit to which I have referred was not then aroused, I think we have no great reason to complain of the success of the measure for raising a militia, or of the spirit evinced by the people. My noble Friend has alluded to the number of regiments not yet formed. He has stated with great accuracy that, out of the seven regiments which are in this category, four belong to the great manufacturing districts of Lancashire and Yorkshire. He did not, however, state accurately the whole of the facts as to these two counties. He said that no enrolment had taken place—that we had, in fact, no militia force at all in those counties—

THE EARL OF ELLENBOROUGH: I said that the enrolment in these counties had fallen short by 3,000 or 4,000 men.

THE DUKE OF NEWCASTLE: There are two regiments not yet formed in the West Riding of Yorkshire, and two in Lancashire; but a vast number of men have been already enrolled there, and when we consider the large number allotted to those two counties, it is not fair to say that they have been so backward as might be inferred from the remarks of my noble Friend. And when you compare the number of men enrolled with the allotted quota, and consider the unprecedented demand,

and the unusually high rate of wages for labour, which have prevailed in this district during the whole of the time that the Act has been in operation, I must say that I do not think it fair to attribute to them that backwardness which the noble Earl seems to impute to them; and my only astonishment is, not that there should be the existing deficiency, but that that deficiency should not be greater. I come now to another question asked or suggested by my noble Friend, as to whether we are prepared permanently to embody the militia, in the present aspect of affairs. I am not prepared to say that that measure may not be eventually found necessary; but undoubtedly the Government do not consider that the moment has arrived when it is necessary to put the whole country to the serious inconvenience which would attach to embodying as a permanent force so large a portion of the able-bodied population of this country. I am perfectly certain that Her Majesty's Government are adopting a wise course in not resorting to this measure until the necessity for it is proved; and I am equally confident that when the necessity is proved the men embodied in the militia and the country at large will be prepared to make those sacrifices and bear those inconveniences in their country's cause which they will then see are really necessary for the benefit of the country. I, like any other Member of the Government, must be placed at great disadvantage in replying to that part of the speech of my noble Friend which relates to the preparations for war, and to the mode in which that war should be carried on. I shall not feel it my duty to follow my noble Friend either to the Baltic or to the scene of the other operations to which he directed the attention of the House. I am aware of the attention which my noble Friend has given to these subjects; and I am therefore not altogether surprised that he should, on successive nights, bring forward these topics for discussion in your Lordships' House. But I would, with all deference, submit to him that there are practical inconveniences, not to Her Majesty's Government—for as regards their inconvenience, I have no right to make a remark—but with reference to the conduct of negotiations and to operations of a warlike character, which may be greatly retarded or prejudiced by these observations. It is impossible not to feel that intimations made by my noble Friend as to what this Power or that Power may do are by no means well calculated to convey to them a high opinion of the warlike ability of this country, or of the state of preparation for war in which we are at present. I regret that he should have reiterated what he stated the other night, that the fleet about to proceed to the Baltic is insufficient for the purpose for which it is intended. I am sorry to see on the part of my noble Friend, a disposition to decry at once its number and its efficiency. I certainly do not know whence my noble Friend derives his estimate of its number, for, as far as I understand the question, he has greatly underrated it. Of this I am confident, from the reports received from the naval men who are most competent to form an opinion, that he has greatly underrated both the number and the efficiency both of the ships and of the sailors. He says that we have done wrong in preparing the force which either has sailed or is about to sail for the Mediterranean. I cannot but think, however, that if a force of that magnitude had not been despatched, we should have been told that we were sending on a difficult service a force altogether inadequate to the duty which it was required to perform. I think that to send a small force, and one insufficient for the operations in which it is to be engaged, is not only unworthy of a country like this, but is a dereliction of duty on the part of those who despatch them, because, as every military man knows, such a course is always attended with a much larger sacrifice of life than would be the case if a proper force were sent. The noble Earl is quite mistaken in saying, that we have denuded the country of troops. This is not the case; even without taking into consideration the recruits that are daily coming in, and the augmentation of the Army included in the supplemental estimates which the Government are about to present to the other House of Parliament, I beg to tell the noble Earl, and those who are likely to be influenced by his sad picture of the state of the country, that, if it should be considered by the Government desirable or necessary to undertake the operations to which he has referred, there are in the country, and in addition to the troops to be sent to the Mediterranean, an amply sufficient force to carry them out—trained men who will gallantly serve in any quarter, north or south, when the interests of their country require it. I should be the last man in the world to misrepresent the amount of forces at our disposal; I think it would be unworthy of the British Government to play the game of brag. But in concert with the military authorities I have ascertained that there is no difficulty, so far as this country is concerned, in providing such a force as human foresight and military experience may lead us to think may be necessary. The noble Earl must forgive me if I decline to follow in more detail the observations which he has made. I feel that it is my duty, and that of every Member of the Government, to preserve strict silence on these subjects. As regards the returns for which the noble Earl has asked, we shall be quite ready to furnish the desired information.

LORD BEAUMONT stated that there was great willingness on the part of the people of the West Riding of Yorkshire to volunteer into the militia. Although three regiments had been added to the three that already existed, there was no difficulty in filling them all up. Indeed, such was the readiness of the people to volunteer that recruits came into the head-quarters of the 4th Regiment at Leeds by fifty a day. The reason why all the regiments had not been raised was, that it was thought undesirable to enrol men a considerable time before they were likely to be called upon to be trained.

THE EARL OF ELLENBOROUGH: I hope my noble Friend's favourable anticipations are better founded than my apprehensions;—but I believe the Government are dealing with illusions, while I am looking only at stubborn realities. But though I think they are dealing with illusions, I must admit that they are only acting in coincidence with the general opinion of this House and the country. I would, however, venture to suggest to them, that it is at least more straightforward and honourable in a public man to state his objections *in limine* to a course of policy about to be adopted, and to run the risk of all the censure that may be heaped upon him, should his predictions fail, than to wait until he sees the result of the operations in question—to be silent if they should succeed, and to visit them with animadversion if they should fail. I have taken a different course. I have stated distinctly to the House what my opinions are, and I think my noble Friend at the head of the Government, and not he alone, but at least one other Member of the Government, may recollect that this is not the first time that I have privately stated to them my opinions on the policy to be adopted, and on the danger they encountered by the course which they have taken. I would only venture to suggest to Her Majesty's Government that the true secret of success in war is to leave nothing to fortune which can be wrested from her dominion by prudence and preparation. That is the principle upon which invariably my great monitor acted. That is the principle upon which I have always acted in any operations which I have been compelled to undertake; and while obedience to that principle almost invariably leads to success, its neglect is almost as invariably followed by failure.

THE EARL OF HARDWICKE observed, that it was perfectly impossible, at a time like the present, to prevent the expression by Members of Parliament of their sentiments upon subjects of such deep anxiety as at this moment engross the country; and he thought that his noble Friend, with the views which he took, was perfectly justified in addressing their Lordships. He gave the Government credit, since they had really put their hand to the work, for having made great exertions towards raising forces and supporting the power of this country; but it was indispensable that the Government and the country should not be deceived with regard to the position in which we stood. The officers who would have to conduct the fleet to the Baltic would have the deepest responsibility imposed upon them, and all their energies would be required to bring that fleet into a proper condition to meet an enemy. He had no hesitation in saying that the Government had been late in their preparations, and that great labour would be required to bring the fleet into a state to meet a force of thirty sail of the line, which had been afloat for a great number of years and was in perfect discipline and order. He believed that there was vast difficulty at this moment in raising seamen in England. That was no secret; it was perfectly notorious. Our ships were being manned in consequence by coast-guardsmen and landsmen, the latter of course quite unused to ships, and the former utterly unfitted for anything but deck work, and unqualified to go aloft. This was a very serious matter. He did not blame the Government for it, for he believed that there were no seamen in the country. It was impossible, however, that they should deceive themselves upon that head, and, as to saying that they must not express an opinion upon such a subject, but must keep it as a great secret, it was absurd to suppose that any Government could venture so far to muzzle the opinions and sentiments of independent Members of Parliament.

THE EARL OF WINCHILSEA thought if they had not sufficient sailors, it must be owing to the policy whereby the sailors did not get remunerative wages; the consequence being that America was enabled to secure the services of the sailors which this country required; but he felt certain that the spirit which had ever characterised the British nation would now show itself, and that they would never want a sufficient number of sailors to man the ships necessary for their defence. Lest his silence on a former occasion should be construed into an approval of the war in which they were engaged, he would take this opportunity of saying that he deeply regretted that a quarrel about the Latin and Greek Churches should be the cause of a war, the duration and expense of which no man could calculate. He gave Her Majesty's Government ample credit for doing all that they possibly could to preserve the peace of the world; but if he had held an office in the Government of the country at the time when this aggression took place between those two Powers, he would have endeavoured to get France, Austria, and Prussia to enter into an alliance with this country, and in the very first instance would have declared to the Emperor of Russia that they would not interfere in his quarrel with Turkey, but that if the chances of war should place the dominions of Turkey within his power, the four Powers would never allow one inch of European Turkey to be added to his empire. If that declaration had been made, the Emperor of Russia would never have taken the steps he had adopted, not only involving his country in war, but creating also the chance of a religious war being waged in Europe. He perfectly coincided with a noble Earl (Earl Grey) not then in his place, but who had spoken on a previous occasion on the subject, that it was totally impossible for that free and enlightened country to uphold a Power on the very verge of destruction, and that if the Christian population of Turkey would no longer submit to the Government of Turkey, it would be impossible for France, England, Austria, and Prussia to resist them. Was it unlikely that there would be a change of opinion in this country on the subject of the war, when the people of England found that they were acting against the Christian population of the East, who were determined to throw off the yoke of the Turkish Government? When they considered the aggressions which those Christians had endured, it seemed strange that 11,000,000 of them should have so long submitted to the dominion of 3,000,000 of Turks. When they assisted to knock off from the Turkish empire one of its best provinces, Turkey became so weak that from that moment it was sure to fall. He had at the time expressed a strong opinion which he entertained, and which had become more decided every day, that when they took possession of one part of the territory of the Sultan, it would have been better if the Powers of Europe had united and established a free independent Christian empire in Constantinople. Did they suppose that, when a war was once commenced, the Poles and Italians, who had been groaning under the yoke of a tyrannical Government, and who had possibly been waiting their time, would not come forth and endeavour to free themselves from that oppression? He feared we were about to be involved in a war of a character fearful to contemplate, and the result of which no man could foretell. England's honour, greatness, and independence required that the whole force of the country should be brought to bear on the approaching struggle — may God grant that he might prove mistaken in his anticipation by the speedy termination of the war!

Motion *agreed to.*

REMOVAL OF IRISH PAUPERS.

THE EARL OF DONOUGHMORE said, as it was the intention of Her Majesty's Government to propose the abolition of the present law of removal in England, he thought this was a proper opportunity of bringing under the attention of their Lordships the hardship and injustice which the Irish ratepayers suffered from the present state of the law. The 4 *Will.* IV. and the 7 and 8 *Vict.* were temporary Acts of Parliament, authorising the removal of natives of England, Ireland, Scotland, and the Channel Islands to their respective countries when they became chargeable to a parish. Those acts being radically unjust, and passed only to meet a pressing emergency, were temporary, and were renewed from time to time, but a general permanent Act had subsequently been passed, which gave magistrates the power of removing natives of Ireland and Scotland to their respective countries when they became chargeable to the poor rates in England. This Act applied, generally speaking, to a most ignorant and uneducated class of persons who came over from Ireland in search of employment; and, when any of them applied to an English parish for relief, it was very easy for the parochial authorities to persuade them to go before a magistrate and make an affidavit which they did not understand; and then the unfortunate persons were immediately put on board a steamer, and sent to Ireland. They were not, however, sent to their respective parishes, for a native of Galway might be sent to Dublin, and, according to the present law, the authorities at Dublin would have no power to remove him to the place of his birth—to the place where, in justice, it was most proper he should be supported, or where he might be certain of the means of living without being obliged to have recourse to public charity. He would not give any opinion with regard to the English law of removal, but he believed the law, as it existed in Ireland, was generally found to work fairly, although no doubt it cast upon some of the large towns the onerous duty of supporting a great number of the poor of their districts. At all events, it got rid of a considerable amount of legal expenses. The present law, with regard to the removal of paupers from England to Ireland, certainly fell with great injustice on the ratepayers of the six seaport towns that were mentioned in the Act, to which the transportation of paupers was authorised. He submitted to the noble Earl at the head of the Government, that if he carried out his intention of altering the law of removal in England, it would be manifestly necessary that the Act authorising the removal of Irish and Scotch paupers to their native countries should be repealed. According to the project of the Government, if a native of York became chargeable to a London parish he could not be removed; and no distinction ought to be made in this respect between a native of York and a native of Dublin. Why should men, whose only crime was that they were born on the other side of the Irish Sea, be subject to all the annoyances of removal, when a native of England was to be allowed to reside and to claim relief in any part of the kingdom he pleased? As an illustration of the law as it now stood, he would mention a case which had occurred in Cork about a fortnight ago. A woman with three children, who had resided for twenty years in London, applied at a workhouse in London for temporary relief. She remained there for three months and was delivered of a child; but, as soon as she was strong enough to bear removal, she was sent over to Ireland. She stated that she had been obliged to go into the workhouse in consequence of her husband being out of employment for a short time, and that she had been forced to return to Ireland with her children against her inclination, as her husband, who was a labouring man, was still living in London. This woman had, contrary to the spirit of the law, been humbugged into swearing an affidavit which she did not understand, in order that she might be shipped off to Cork. This was not a solitary instance, for he had for several years been a member of a board of guardians in Ireland, and had constantly met with such cases. The Act certainly gave an appeal to the Irish unions; but the time for the appeal was limited to six months, and a great deal of time was often lost before the native place of the pauper could be discovered, and then it was necessary to collect all the documents on the subject, and transmit them to the Poor-Law Board in London. The answer of the Poor-Law Board to the parish to which he belonged, on one of those occasions, was, that they would prosecute the appeal if 100*l.* were deposited as security for the costs, and he had advised his brother guardians to keep their 100*l.* instead of spending it in the costs of a proceeding over which they would have no control, as the question in dispute would probably be ultimately submitted to a jury of Middlesex ratepayers, whose feelings would be in favour of the London parish. The noble Earl concluded by asking whether Her Majesty's Government intended to propose the repeal of the Act of Parliament which authorised the removal of Irish paupers found in England to their native country?

THE EARL OF ABERDEEN said, he was quite ready to admit that the state of the law relating to the removal of Irish paupers was very imperfect and defective, and required much revision, but it would be impossible to repeal that law at the present moment. In the other House of Parliament, an hon. Gentleman had moved for all the correspondence that had taken place between boards of guardians and the Poor-Law Board on this subject. That Motion had been agreed to, and that information, when it was produced, would also be laid on the table of their Lordships' House. He thought that information was quite indispensable before they could venture to proceed to legislate on this subject; and he thought, also, that it would be expedient to refer it to a Committee of this or of the other House of Parliament, or, perhaps, of both; but at present he would say no more than that he fully admitted, with the noble Earl, that the state of the law required revision and alteration, and that as soon as the materials for the purpose were in their possession, it would meet with the attentive consideration of the Government.

EARL FITZWILLIAM said, that in England, when a pauper was removable, he was removed to the particular parish to which he belonged; but the Irish pauper, instead of being removed to his parish, was shuffled out at the nearest port to which the ship could get. The present system inflicted a great grievance not only on the paupers, but on the ratepayers of Dublin and the other ports to which the paupers might be sent.

THE EARL OF WICKLOW must express his disappointment at the answer which had been given by his noble Friend at the head of the Government to the question of the noble Earl, for he did not think it was possible that a Bill to prevent the removal of English paupers could be framed without the intention of extending it to the United Kingdom. It would be a great injustice if a Bill were passed to prevent the removal of English paupers, while the poor-law authorities were left at liberty to remove Irish and Scotch paupers. The Bills to which the noble Earl (the Earl of Donoughmore) had alluded were of a temporary nature, and he had protested against their principle, because he could conceive nothing more unjust than that a person, having been encouraged to come over here to assist in the various manufactures or in the agriculture of the country, and having remained here for a number of years, and having conducted himself well, should, when he became accidentally, through distressed circumstances or ill health, chargeable upon a parish, be liable immediately to be transported to his own country. The injustice was enhanced when they considered the manner in which it was done. The authorities had power to transport the paupers into any of the ports that were mentioned, and the result was that in those towns there was an accumulation of paupers, with whom the ratepayers had no more connection than the people of Yorkshire or Devonshire, or of any part of this country. He hoped what his noble Friend meant to say merely was, that the subject was not included in the Bill that had been introduced; and he hoped, if the Government passed that Bill, they would not allow the Session to pass over without introducing an auxiliary Bill to "prevent" the gross injustice which his noble Friend had so properly introduced to their notice.

THE EARL OF DERBY thought with the noble Earls, that the answer of the noble Earl at the head of the Government was not satisfactory. The noble Earl had only expressed an intention to lay on the table of their Lordships' House the correspondence which had taken place between the Irish guardians, respecting their paupers, and the Commissioners, and that might possibly be of no use to their Lordships in arriving at a conclusion. He must say that he concurred with the noble Earl who had just sat down, that the questions respecting the general law of settlement and that of removal were so intimately connected together, that it would be almost impossible to legislate upon the one without legislating upon the other also. He would ask the noble Earl at the head of Her Majesty's Government, with reference to the correspondence on the question relating to the removal of Irish paupers, whether he intends to produce that correspondence, and to proceed with that Committee, previous to legislating on the subject of the general law of settlement in England? It was impossible that he could shut his eyes to the fact that, in discussing the practical difficulties—whatever the principle might be—in discussing the practical difficulties arising out of the matter at issue in the arrangement of the law of settlement, the question as to whether Irish paupers were to be included in, or excluded from, that arrangement, was one of the greatest importance. It was an element essential to the construction of that arrangement. He quite admitted with the noble Earl opposite that, if they were to abolish the laws of removal in this country, and to make all paupers irremovable, and, at the same time, to make an exception by which Irish paupers were to continue to be removable from this country into Ireland, while English paupers were to be irremovable from one part of the country to another, there would be an unfairness and injustice which would produce the greatest and most well-founded dissatisfaction. He hoped, at all events, that in legislating upon the law of settlement in England Her Majesty's Government would make up their minds as to whether they intended to legislate similarly for Ireland; and that they would look upon the question as one bearing upon the three kingdoms, and not only upon this.

Lord MONTEAGLE agreed with his noble Friend who had just sat down, but at the same time thought that the course of the Government was a rational one. The question could not be disposed of except by an inquiry of that kind. It was not a question, however, that would require much delay, or the examination of many witnesses, the facts being so few; and it would be merely the duty of the Committee to consider the question of remedy. Unquestionably, that inquiry should take place before the question of removal of paupers in England was considered, because the two things could not be separated. A great delusion existed on this subject in the minds of the great bulk of those who discussed the question. The law of removal was considered by many persons in this country as the great protection they had against the influx of Irish pauperism; but he was prepared to say, however paradoxical it might sound, that the power of removing Irish paupers stimulated the movement of certain classes of paupers into this country. Every man who ventured into this country was certain that, by the exercise of the power of removal which he himself had the means of resorting to, he would be sent back from this country free of expense. They knew, too, that the time of removal to their own country depended upon themselves. An Irish pauper might, at the harvest, have earned wages, and remitted those wages to Ireland by a post-office order; and, having done so, might apply for relief, and be transferred to Ireland at the expense of the English parish. On the other hand, the enforcement of the law of removal was frequently accompanied by the grossest cases of oppression and abuse; but it was a question for inquiry, which would make the matter intelligible to the people of this country.

The Earl of DERBY said, he had not got an answer on the part of Her Majesty's Government as to whether it was their intention to proceed with the Bill relative to the law of settlement pending an inquiry, or before any decision can be come to by the Committee.

The Earl of ABERDEEN said, it certainly was the intention of the Government to do so.

The Marquess of SALISBURY: Before the inquiry?

The Earl of ABERDEEN: Yes.

THE NAVY LIST—QUESTION.

The Earl of HARDWICKE rose to put a question to the noble Earl at the head of the Government respecting the Navy Lists. Their Lordships were aware that there were two lists of admirals—one called the "active" list, and the other the "reserved list." The active list contained the largest number of inactive persons that, perhaps, could be found among an equal number of gentlemen taken from any other class. The reserved list contained a good many very active officers, perfectly capable of doing their duty in the service of the country. Now, the Government having determined on making an inquiry into the state of the Army List, it occurred to him that it would not be improper to ask whether they intended to institute a similar inquiry with respect to the Navy List? If the noble Earl was prepared to answer the question in the negative, he entreated him to let the answer be inferred from his silence, because he (the Earl of Hardwicke) was anxious that the Government should not preclude themselves from reconsidering the subject. It was possible that, upon further and more matured reflection, the Government might be of opinion that the present was a most favourable opportunity for revising the Navy List, and giving to the country, in the active list, a reality as well as a name. The noble Earl concluded by asking whether the Commissioners who were to be appointed to inquire into the state of the Army List were also to inquire into the state of the Navy List?

The Earl of ABERDEEN was afraid that, notwithstanding the request of the noble Lord, he must answer his question in the negative. He must say that, although Her Majesty's Government had granted a Commission to inquire into the promotions and other details of the military service, they had not thought it necessary to adopt the same course with respect to the Navy; and for this reason, because this very subject had occupied the attention of various Commissions, Committees, and Boards of

Admiralty over and over again, and very recently; and, therefore, there was not the least reason or necessity for a fresh revision of it. He could only say that, after the most full and patient inquiry into this subject, the present system had come to be considered the best practicable. The noble Earl would recollect that Her Majesty had the power to set aside the rules of seniority, and to select any officer she pleased for her service; and, with that exception, he could only repeat, that, after consideration given by all preceding Boards of Admiralty, and by Commissions for the purpose, there seemed to be no reason for instituting a fresh inquiry into the subject of the Navy Lists, as proposed by the noble Earl.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 2, 1854.

MINUTES.] PUBLIC BILLS.—1° Merchant Shipping Acts Repeal; Merchant Shipping. 2° Highways (South Wales); Coasting Trade.

GREAT LONDON DRAINAGE BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. W. WILLIAMS said, he felt it his duty to oppose this Bill. The measure had been introduced last Session to the House, had been referred by the House to a Select Committee, and, after every fair consideration, had been rejected. He believed that the parties who supported the Bill were little better than a body of speculators, and the mere object of the undertaking they were endeavouring to force upon the House was to make two large sewage drains upon either side of the river Thames. He held in his hand a copy of an opinion of Mr. Stephenson on the subject, who stated distinctly that to do what was contemplated by the promoters of the present Bill would be to commence at the wrong end. The noble Lord the Secretary of State for the Home Department was about to bring before the notice of the House a measure to reorganise the Commission of Sewers, and, under present circumstances, he thought that it would be most impolitic to countenance such a scheme as the present. He therefore moved the postponement of the measure.

Amendment proposed—

"To leave out the word 'now,' and at the end of the Question to add the words, 'upon this day six months.'"

MR. WARNER said that, at a time when we were threatened with cholera, and when, in all probability, that disease, if it did come, would rage more seriously than ever, he thought the House incurred a very serious responsibility in refusing to hear parties desirous to suggest and carry out improvement in the drainage of the metropolis. He considered that this measure, like all measures of a like importance, ought to have a full and fair inquiry, and he thought that the hon. Member for Lambeth, in offering the opposition to the Bill which he did, was, in fact, doing little less than voting for the introduction of a pestilence which we all ought to be so anxious to ward off.

SIR BENJAMIN HALL said, he opposed the Motion for the second reading of the Bill, on the ground, among others, that the parties who now stood forward as desirous of entering into the speculation of the drainage of London, an undertaking which would require an expenditure of 2,000,000*l.*, had not at the present moment, he understood, 500*l.* to commence the works with. As a specimen of the clauses of the Bill, one of them was to have a guarantee of 3*l.* per cent out of the local rates. He never heard of such a measure, and it would be monstrous to let it pass. There never was such a Bill as the present introduced into Parliament; and at the present time, when the noble Lord the Secretary of State for the Home Department had promised to bring in a Bill for the better management of the sewers, it would be a monstrous thing if that House were to permit a body of speculators to take upon themselves a task which they had no means of carrying out.

MR. DRUMMOND said, that it appeared to him there was at least one body of men in the metropolis of considerably more importance in their own eyes than even the House of Commons itself, and that was the select vestry of Marylebone; and although such body did not issue blue books, yet they had put forth a document complaining of this Bill more grandiloquent in its phraseology than even the despatches of potentates and diplomatists contained in such books. The matter, however, before the House was simply this—that we had been threatened with cholera for the last seven or eight years, and we had as yet done absolutely nothing to check its advances. The hon. Gentleman who began the opposition to the measure stated that this Bill was rejected by the Select Committee of last Session. That statement required a little explanation. The promoters of this Bill proposed a plan which was admitted by all parties to be the best that had yet been proposed, and the reason that it was not adopted was because each parish in the metropolis could not or would not see a step beyond its own immediate interest, and would not incur the risk of a trifling rate. The select vestry of Marylebone—which had really no more interest in the matter than any other parish in the metropolis—had, as he had previously stated, issued a report upon the subject, denouncing the present scheme as a most unjust invasion of the independence of parishes. The present Bill, although rejected by the Select Committee last year, was not so rejected on the ground of the principle upon which the sewers were proposed to be constructed, but because the promoters sought to obtain a guarantee only in the case of their own dividends not coming up to three per cent. The very company which had formerly opposed the Bill had now adopted its principle. That principle was perfectly intelligible, for, as it was now clear that the Thames was getting dirtier every day, because the more water that was introduced into the dwellings of the poor the more filth was driven into the Thames, this company proposed to make two large tunnels, one on each side of the Thames, to carry off the sewage without letting it go into the river at all. The noble Lord the Home Secretary had, by a *coup d'état*, blown up the Commission of Sewers the other day, and now they were told that he was going to establish a new Commission, somehow or other based on the representative system. But he would ask what single thing had ever been done where that representative system had been tried? Was it not notorious that the people of Newcastle, under that *régime*, had never succeeded in washing out one of their own dirty alleys? It was clear that if it were left to the parishes to counteract and thwart one another nothing would ever be done. This guarantee, which was so much talked of, only amounted to three farthings in the pound, after all; and because Marylebone would not give even three farthings in the pound, they were going to reject this most sensible proposition for the drainage of the metropolis.

Lord SEYMOUR said, that that part of the scheme which proposed that there should be two tunnels—one on each side of the river—to carry off the drainage had been fully approved by the Committee which sat last year; but on the second part, which proposed to render the sewage applicable for agricultural purposes, the evidence had totally failed. The only similar case which was brought forward was that of a single prison, where it had only been tried to a limited extent; and it was considered one of the wildest schemes possible to expect to raise money on no other guarantee than that of the probable profit to be made by the conversion of sewage into manure. The only resource left for the promoters in this case, was to endeavour to obtain a guarantee of three per cent upon their expenditure, and to this the Committee were decidedly opposed. But, with respect to the drainage of the different districts of the metropolis, the proposed Bill would be perfectly inoperative, because it did not propose to construct any cross sewers whatever, but left all that to be done by the parishes; and the whole question, therefore, for the House to consider was, whether for the sake of two large drains, one on each side of the river, they would give a guarantee to this company of three per cent for ever. He recommended the House to reject the Bill, and not send it again before a Committee.

Sir JOHN SHELLEY said that all the parishes of Westminster concurred with Marylebone in opposing this Bill. This was certainly a very inopportune time to bring it forward, when the Government had a new scheme of their own in contemplation.

Lord DUDLEY STUART said, he must defend the Marylebone vestry from the imputations of the hon. Member for West Surrey, (Mr. Drummond). They opposed the Bill on principle, and, had the guarantee been only one farthing instead of three farthings in the pound, their opposition to it would have been just as strenuous.

Mr. BOUVERIE said, he thought the House ought to be very slow to reconsider the decision of a Committee before which the same scheme had been fully discussed.

He would remark, also, that there was no guarantee that the company would actually proceed with the works, and it might turn out that they would only occupy the ground, and prevent other parties from actually carrying out an efficient system of drainage. For these two reasons he should advise the House to reject the Bill.

Mr. APSLEY PELLATT said, it was really intended to carry out the work, for 35,000*l.* had already been deposited as an earnest. He had heard no objection to the Bill from the south side of the river, and, so far as Southwark was concerned, all the inhabitants were extremely desirous of seeing any scheme carried out which would relieve them from the present direful state of things.

Viscount PALMERSTON said, that last year he had felt disposed to look favourably on this Bill, because he had thought that, if in the course of the ensuing twelve months the company could really accomplish any portion of the great drainage of the metropolis, it would be desirable that they should be allowed to put their scheme in practice. The Bill then failed, however, in consequence of the objection raised to the guarantee which was demanded by the company, and, in the present state of things, he must confess his opinion differed from that which he had entertained last year. He was about to reorganise the Commission of Sewers, and that Commission had lately matured a plan for the drainage of the metropolis which, upon full consideration, he believed to be a good one, and likely to effect the objects which the scheme now before the House was intended to effect. He thought there would be great advantage in the drainage of the metropolis being effected and managed by one central department in some degree connected with the local authorities. Moreover, if it should be possible to realise that which, according to this Bill, might be realised—namely, the connection of the drainage of the metropolis with some commercial advantages from the transformation of sewage into manure—that also ought to be in the hands of Commissioners, in order that any such profit might be applied for the public benefit, in diminution or relief of the rates raised for the construction of the sewers. He conceived that this Bill had no chance of passing through a Committee with the guarantee clause which it seemed the company still considered it necessary to demand, and, therefore, all things considered, so far as he was concerned, he should be disposed to negative the second reading of the Bill.

Lord JOHN MANNERS said, he had understood the noble Lord to say that the Commissioners of Sewers had projected a plan, but the public were under the impression that the noble Lord disapproved of the proceedings of the Commissioners of Sewers. Perhaps the noble Lord would explain whether the Commissioners were in a position to carry out their plan.

Viscount PALMERSTON said, the Commissioners of Sewers had matured a plan which he, upon full consideration, had thought might probably be adopted for the great arterial drainage of London in parallel lines, or at least in some relation to the course of the Thames, with a view of preventing the sewage of London from falling into the river. The points upon which he had differed from the Commissioners were with regard to the detailed manner of constructing the subordinate drainage. The noble Lord was, doubtless, well aware that there was a controversy going on as to the relative superiority of large sewers with room enough for a man to walk in them, and sewers of a circular form and smaller dimensions. There was no doubt that the last were the cheapest and most economical, and, if that system were found equally advantageous in other respects, it was quite clear that its adoption would save a great deal of expense which would otherwise have to be incurred in draining the whole of the metropolis.

Question, "That the word 'now' stand part of the Question," put, and *negatived:* Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

ORDNANCE SURVEY OF SCOTLAND—QUESTION.

Mr. RICH said, he begged to ask the right hon. Chancellor of the Exchequer, whether the Report, dated the 10th July, 1851, of the Select Committee on the Ordnance Survey of Scotland, recommended the abandonment of the six-inch and the adoption of a two-inch to the mile scale, and the Treasury Minute thereon of the 16th December, 1851, had been set aside; and also, whether any steps had recently been taken for authorising a survey of Scotland upon a scale exceeding twenty inches to the mile, and if so, whether he would submit to Parliament copies of any correspondence that may have taken place respecting such survey, together with an estimate of its cost?

The CHANCELLOR OF THE EXCHEQUER: Sir, in answer to the question of the hon. Gentleman, I have to state that the Treasury Minute of the 16th December, 1851, which was itself a departure from former arrangements, was set aside by the Government of Lord Derby, and that upon the formation of the present Government, we found the question of the Ordnance survey of Scotland in a state that appeared to require further consideration. Upon going into the question, it appeared to me that it required a reconsideration as a whole. There was no principle laid down, and no conclusion arrived at, of so distinct and definite a character as could be satisfactory to Parliament, to the Government, or to the country; especially considering the large expenditure of money which it involved. We are under the impression that, while the original scale of one inch to the mile was a scale sufficient for purposes which were national in the strictest sense, the scale of six inches, which was adopted as an extension of the original scale, was not sufficient for purposes of a purely local and departmental character. Neither, as far as we are able to judge, is a scale of twelve inches sufficient for such purposes. We desired, therefore, to come to a conclusion upon the question, what was the best scale to adopt with reference to the survey and the production of a map that should be satisfactory to all parties; but it would have been very difficult to come to a conclusion on that question with the facts as they stood before us, for we had no correct means of ascertaining the cost of the survey. The course, therefore, which has been taken has been this—we have marked out certain particular districts of the country, and those districts are about to be surveyed with a degree of minuteness which will make the survey applicable to the purposes of a map upon any scale that may be desired. We are likewise going to take care that the expenses of the survey in those districts so selected shall be so taken account of as to enable us to judge of what the future expenses of the prosecution of the work will be. Directions have also been given, that whereas the survey up to the present time has been conducted simply by the officers of the Ordnance, working in their ordinary manner, upon their regular salary, two other methods shall be tried in the selected districts—one of them, the method of contract, properly so called, by independent parties, and the other the method of piece-work instead of day's wages by the officers of the Ordnance department itself. We believe that when the survey has been completed in these districts in the manner which I have just described, we shall be in a condition to come to a conclusion upon the mode in which it should be prosecuted throughout the country; but the question is a very large one, and it is not too much to say that it is at least possible that before we have done with the whole mass, it will cost the country, not some hundreds of thousands, but some millions of money. Under these circumstances it is obviously proper and right to bring it under the full view and consideration of Parliament. The responsibility is too great for it to be treated merely as a departmental subject, and, perhaps, it would have been desirable that even at an earlier period steps should have been taken for bringing it under the consideration of Parliament. There are other questions of considerable importance besides the question of scale. One of these is whether the scale shall be less or more than that which has hitherto been adopted; another is with respect to the practice of contouring; and the third is whether the expense of the survey is to be defrayed entirely out of the Exchequer, or whether the principle of local contribution is to be called in aid. The principle of local contribution was a part of the original plan, and it is quite plain that if, instead of making the survey sufficient for military and national purposes only, we are to execute it upon a scale for local and even for estate purposes, the principle of local contribution becomes still more just and appropriate than it was before. I have said now, perhaps, as much as can be said at the present stage of the business; but with respect to the second part of the question of the hon. Gentleman (Mr. Rich), whether any steps have been taken for authorising a survey of Scotland upon a scale exceeding twenty inches to the mile, he will understand that particular directions in reference to certain districts have been given to that effect; and with respect to the production of papers, I may state that papers on this subject are in preparation, and shall be submitted to Parliament when in such a state as to enable Parliament to form a judgment upon the whole subject.

Colonel DUNNE said, he wished to ask if he was right in understanding the right hon. Gentleman to have said that the Government of Lord Derby did not decide upon the six-inch scale, and did not order the survey to be pursued upon that scale?

The CHANCELLOR of the EXCHEQUER: What I said was, that the Government of Lord Derby deviated from the Treasury Minute of the 16th of December, 1851; which Minute was itself a deviation from former arrangements. The deviation made was this: according to the Minute of the 16th of December, 1851, the order given by the Treasury was, that those counties in Scotland which had been actually commenced on the six-inch scale, should be finished on that scale; but that all the rest of the country should be executed on a one-inch scale. The Government of Lord Derby deviated from that Minute—and I am far from blaming them for having so deviated—to the extent of ordering, in answer to petitions or memorials from certain counties in Scotland, that the six-inch scale should be extended to certain other counties; but no general or definite decision had been taken when we entered upon office.

EMIGRANT SHIPS.

Mr. J. O'CONNELL said, he rose to move the appointment of a Select Committee to inquire into the recent cases of loss of life on board emigrant ships. He wished the proposed Committee to finish the inquiries of the Committee of 1851 on this subject. Notwithstanding the Act which had been passed for the removal of the evils connected with the emigrant system, they had broken out in some instances with greater virulence than ever. There had been a fearful loss of human life caused by sickness on board passenger vessels. He was not prepared in every instance to vouch for the authenticity of the statements he was about to make, but he had taken them from several newspapers, and he had never seen their accuracy called into question. One statement was to the effect that a number of vessels, averaging from five to seven, which sailed between Liverpool and America last autumn, had the large number of 1,034 deaths on board during the passage, those deaths averaging upon the total number of passengers very nearly 30 per cent. He really thought the fact that within the short period of six weeks or two months so great a loss of life should have occurred, amounting to so large a number of the passengers as 30 per cent, was alone a fact sufficient to induce that House to institute an inquiry, in order to see if they could not ascertain whether the causes of this loss of life were to be traced to any defect in existing regulations, and, if so, whether some plan might not be devised which would prevent such lamentable occurrences for the future. As it might be said that he ought to have gone to the Government offices for information before bringing a Motion forward for the appointment of a Select Committee, he would at once state that he had done so, and that he had endeavoured to obtain information from every quarter he thought likely to afford it. The result of these inquiries, however, led him to believe that information could only be obtained by calling witnesses before a Committee of that House. Indeed, the Board of Emigration and other departments of Government declared that the regulations at present in force were powerless to ensure a thorough knowledge of the deaths which occurred in vessels going to America, or to take efficient measures of precaution against them. Under such circumstances, it became the imperative duty of that House to devise some means of putting into the hands of Government the power of obtaining a full knowledge of all these matters, and of adopting means to prevent such a fearful loss of life. He would suggest that negotiations should be entered into between the Government of this country and that of America, in order that some well-concerted scheme, some really stringent and efficient superintendence, should be organised, whereby the fullest information might always be procured. In 1851, an inquiry was instituted by a Committee into the condition of emigrant vessels, and he proposed now to touch upon certain matters which had not particularly engaged the attention of that Committee. The emigrants of the poorer classes, when they arrived at Liverpool, were pounced upon by a set of harpies, who, under the pretence of procuring them lodgings and ships, plundered them of money which they could ill spare. The Committee of 1851 had made inquiry into the supply of provisions, and the manner of cooking them; but the labours of the Committee had been inefficient for the purpose of procuring a separation of the sexes, and the due stowage of the cargo, so as to ensure a sufficient amount of space to passengers. He proposed to take up the inquiry where that Committee left off.

Emigration from Ireland was going on to as great an extent as ever, if not greater. There were larger remittances sent last year for emigration purposes from persons who had emigrated to America to their friends and relatives in Ireland than in any former year, and emigration in the spring would probably go on more than ever. He was informed that no less a sum than between 70,000*l.* and 80,000*l.* had been remitted to Limerick alone, and that large sums had also been forwarded to Waterford, Dublin, Galway, and other towns for this purpose, and that the total amount exceeded that of any former year. It was therefore important that something should be done to secure the health and safety of passengers by emigrant ships. The cholera had raged fearfully in emigrant ships crossing the Atlantic, and the probability that the cholera would again break out in this country in the summer and autumn was an additional reason for taking precautions against the pestilence again devastating our emigrant ships. One important subject of inquiry ought to be the want of provision for the comfort of the poorer class of emigrants coming across the Channel. Men, women, and children, coming from Irish ports to Liverpool and other places, were often exposed without shelter upon the decks to the beating of the sea in the most stormy weather, and in the depth of winter. This subject was not handled by the Committee of 1851. They admitted its importance, but a Bill was then before Parliament which promised to deal with the subject. However, the provisions for the protection of emigrants were one by one abandoned in the progress of that Bill through Committee, and the 14 & 15 of *Vict.* chap. 79, contained no provision relative to the transit of the poorer class of emigrants across the Channel. This was the first subject into which the Committee ought to inquire; the second was as to the class of ships taken up for emigrant vessels. They were often vessels which had just brought home a cargo of guano, of hides, or of old rags, and were in an unwholesome and offensive condition, which rendered them totally unfit to convey emigrants. He trusted that steps would be taken in future to prevent such inhuman proceedings. No sufficient care was at present taken to see that emigrant ships were in a fit state. It was necessary that such ships should be well whitewashed below, and that the whitewash should be dry before the passengers went on board. Such vessels ought to be examined, not only by a nautical man, but by one of Lloyd's surveyors and a master carpenter, to test their seaworthiness. The next point of inquiry before the Committee should be, whether emigrant vessels should not be chosen out of the same class as Government convict vessels. The Government never took up vessels for the conveyance of convicts unless they belonged to the two first classes, known at Lloyd's as A 1 and Æ. Yet, it was from the classes below these two that the majority of emigrant ships for the poorer classes were taken. The same regulations, too, as to the amount of space for each person which the Government adopted in convict ships ought to be enforced in emigrant ships. It might be said that this was an interference with private enterprise; but surely it was an interference in behalf of human life and health, and that had always been considered by the Legislature sufficient justification. The state of the waterclosets on board the lower class of emigrant ships also required some regulation, for the abominations that took place for the want of this necessary provision could not be described, so cruelly were the feelings of decency of the female passengers outraged. It would be necessary for the Committee to examine witnesses, to see whether the existing regulations in force relative to emigrant ships had been carried out, and particularly whether a larger number of children had not been carried in some of the emigrant ships than was allowed by the Act. The law provided that there should be a space of six feet clear between decks, and that the decks should be laid carefully upon the permanent beams of the ship. These provisions were, he was told, frequently evaded, so as to prevent that cleanliness and due ventilation which it was the object of the Act of Parliament to secure. The American Legislature had passed an Act to provide for some protection to the hatchways, so as to secure to the passengers due access to light and air. In the English emigrant ships the hatchways were flush with the deck, through which the spray and the water, from the washing of the decks, often found its way to the passengers below. In bad weather they were obliged to be closed, or very nearly so, and then the passengers below were deprived of light and ventilation. It would be a question for the Committee to consider whether some kind of booby-hatch could not be constructed over the hatchways, so that the side remote from the wind might be kept open. The Committee might call evidence to inquire whether something could not be devised between the cumbrous house erected in American emigrant ships and the hatchways flush with the deck of English vessels. There was a time when a considerable portion of the passage money in the case of vessels going to Sydney, was retained until the safe arrival of the passengers at their destination. It would be matter of consideration whether that provision should not be revived—whether the passage-money should not be paid to the credit of some Government officer in the sea-port town, either entirely or in part, and not handed over until the British consul had reported that the agent who had sent them out, and the captain of the ship, had properly performed their duty. If any loss of life was caused by the misconduct of the charterers or their servants, of course the passage-money would be forfeited, and, if possible, returned to the relatives of the unfortunate sufferers. There were many recent cases of great loss of life on board this description of vessels, which showed the necessity for some revision of the regulations applicable to them. He would quote first the cases which occurred actually in vessels sent out by the Colonial Land Emigration Commissioners.

> "The *Bourneuf*, to Melbourne, 1,495 tons, carried 754 passengers, and out of them eighty-four died. The vessel had bad hospital accommodation, having only two large and eight small beds provided. The *Marco Polo*, for Australia, a vessel of 1,625 tons, and which was very much cried up, carried 887 passengers—fifty more than she was chartered for—and fifty-two deaths occurred on board. The *Wanota*, 1,442 tons, also for Australia, had 758 passengers, and there were forty-eight deaths. The watercloset and hospital accommodation was bad; there were also bad suet and bad water. The *Ticonderago* carried 800 passengers; there were 102 deaths, and she landed 300 sick."

The casualties to vessels sent out by private parties were but too notorious. Then there were the following:—

> "The *Victoria*, from London for New York, 50 deaths on the passage last autumn. The *Southampton*, ditto, 15 deaths. The *Annie Jane*, from Liverpool for Quebec, the 9th of September, 1853, 380 passengers; lost on Barra Island on the 25th of September, 1853, 340 drowned. The *Staffordshire*, for North America, in December, 1853, 180 emigrants drowned, 102 passengers and crew saved. The *California*, from Sligo, on the 18th of September, 1853, put back leaky, and some of the crew deserted for that reason, and were taken and put in prison. She went to sea again in November, and three or four days afterwards foundered. Out of 60 passengers, in two boats, 15 died from exposure. A few days after the *Annie Jane* sailed, an emigrant ship, 17 days out, put back to Liverpool, with 47 deaths from cholera and the hold full of cases. Hot water was selling on board at 6*d.* per quart."

Another very important question was, whether it was right to allow passengers to be taken out on more than one deck. In some cases, there was a practice of stowing passengers in cabins hastily constructed on the upper deck; that was a system which he thought ought to be put an end to. In most cases passengers were stowed on what was termed the main deck, but, in some instances, they were stowed on the deck below that again. Those lower decks were very confined, and there was scarcely any chance of proper ventilation. It was a matter of very grave consideration whether that system ought to be allowed any longer, for there was scarcely a single case of vessels carrying out emigrants on two decks — one above the other — in which disease had not broken out and proved fatal. He also thought it desirable that this description of vessels should not sail between the months of October and April, inasmuch as vessels so crowded were by no means adapted to overcome the dangers of the Channel and the passage. On these points a gentleman acquainted with emigration details for the last thirty years, wrote:—

> "The greatest amount of mortality always occurs on board of emigrant vessels with passengers on more than one deck. At any rate, at certain seasons of the year the use of a second deck should be entirely forbidden. Passenger ships should not be allowed to attempt the voyage to America during the winter months. The great source of all the neglects and evils is paying the passage-money beforehand. The Legislature ought, at least, to provide that the passage-money of emigrants dying from obvious neglect or ill-treatment, should be refunded."

Another experienced person wrote:—

> "One great cause of sickness and death is the permission to carry passengers below the main deck. Only fancy country people coming in from pure air, kept for several days in dirty lodging-houses in Liverpool, and then crowded in a passenger ship, with neither light nor ventilation on the second or lower deck."

And the Colonial Land and Emigration Commissioners themselves said in their Report of 1852, vol. 98 of Accounts and Papers:—

> "In every two-decked ship which has yet reached Australia, a mortality has taken place unprecedented during the many years we have been engaged in sending out emigrants."

Surely, it was the duty of that House to inquire into the matter, and examine competent parties, so as to obtain the materials which would enable them to judge whether it was not absolutely necessary to prohibit vessels from taking emigrants on more than one deck. On a previous occasion it had been urged that the rush of emigration was so great that, if restrictions of that nature were placed on the vessels, it would increase the price of the passage to a degree that would cause great inconvenience, but that reason did not exist to the same extent now. He thought human comfort, human health, and human life had paramount claims, and, however good that reason might have been when economists and theorists considered the great object was to get rid of the Irish population, it did not retain the same force now, when labour was abundant, wages high, and the country needing the services of all who were willing to fight her battles. The Committee ought also to go into the question of what kind of officers should be entrusted with the command of emigrant ships. The last case he should allude to was, that most distressing case of the loss of the *Tayleur*, and he would ask any one who had read the clear and able Report of Captain Walker upon that subject, whether a case had not been made out for legislative interference. That was a case in which a captain had received his certificate, but was allowed to proceed to sea in a vessel which proved unseaworthy; for it was distinctly proved that the error in her compasses had not been ascertained. It was true that the ship had been swung, but that was two months before she sailed, and not after her cargo was put on board. No account was taken of other disturbing causes, and the proper tables of errors had not been supplied. They had not been twenty-four hours at sea when it was necessary to wear, and, in wearing, the vessel took a full hour coming round and ran four or five miles to leeward. He spoke with diffidence on that point, but he thought a vessel could hardly be called seaworthy which took so much room for that purpose. He recommended the Report of Captain Walker to their serious attention, for it would show them that this large vessel, of nearly 2,000 tons measurement, had only thirty-two able seamen, thirteen ordinary seamen, and six boys, just half the number there ought to have been. The twenty or twenty-two passenger stewards would be only lumbering the deck in bad weather, and would be of no avail whatever. In that Report of Captain Walker, he conceived, there were ample grounds for inquiry into this subject by a Committee, and for legislation by that House. A gentleman who had visited the scene said, that in his judgment the captain had manifested utter incompetency, by the measures he adopted when he found himself close to land. He should have cut away the mizen-mast, to see if she could be brought to, and if that failed, he should have simply hove the sails back upon her, and she would have drifted six miles clear of any land, when she could have been "wore" round with ease. If it were said they were appointing a Committee close upon the heels of the Committee of 1851, his answer was, the Americans were doing the same thing. In the last two years the American Congress had passed three Acts for the better regulation of emigrant vessels, and the masters of our vessels coming from America were obliged to conform to them, and give more accommodation than our law required. Notwithstanding that America had legislated better and oftener than we had, they did not think they had done enough, and had just appointed another Committee, which had addressed circulars to merchants and shipowners throughout the Union, asking for information, in reply to a series of fourteen questions, and for any additional facts within their experience. That House would be only imitating the humanity of the American Legislature, if they appointed a Committee, and gave full scope to this inquiry. He should, therefore, without further observation, and thanking them for their attention, move, in the terms of the notice, for the appointment of a Select Committee.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the recent cases of extensive loss of life aboard Emigrant Ships, whether by sickness, wreck, or other causes; and generally into the sufficiency or otherwise of the existing regulations for the health and protection of Emigrants from the United Kingdom."

MR. FREDERICK PEEL said, that some of the remarks of the hon. Member for Clonmel might lead to the conclusion that, not only was there some defectiveness in the law relating to passenger ships, but that there had also been some remissness on the part of the officers charged with the administration of that law. Now, so far as the administration of the existing law was concerned, he (Mr. Peel) could entertain no objection whatever to any inquiry the House might think proper to institute. He felt confident that, however strict and searching the inquiry might be, it would clearly be shown that those duties which, under the existing Passengers' Act, had devolved upon the Emigration Commissioners, or the emigration agents in different parts of the United Kingdom, had been discharged in the most satisfactory manner, and in a mode which he could confidently say had resulted in ensuring a degree of safety and comfort to the emigrants which only a short time back would have been thought wholly unattainable. The hon. Gentleman had anticipated the principal objection which he had to the adoption of his proposition in the form in which he had presented it to the House: it was that the whole subject of the law relating to passengers had been most fully and very recently inquired into. He referred, of course, to the Committee which had been appointed in the year 1851. That Committee had gone into the whole case—had put a great variety of questions—had laid before the House a Parliamentary Paper of unusual bulk—and had presented a Report containing very valuable suggestions. Now, if nothing had been done in consequence of that Report, it might, perhaps, not have been inexpedient to appoint another Committee with the view of recalling the attention of the House to the recommendations there made; but, in consequence of the investigations of the Committee of 1851, a measure, avowedly based upon their Report, was brought into the House in the Session of 1852, and that measure was passed, and was now the law of the country. That measure re-enacted the greater part of the then existing law with regard to passenger ships, which had been found unobjectionable and perfectly adequate for the purpose for which it was designed, and the Amendments then incorporated in the Passengers' Act were founded in a great measure upon the suggestions of the Committee of 1851, and were undoubted improvements upon the previous law. He would not attempt to enumerate those Amendments specifically, but they provided for such matters as the proper separation of the sexes, the adoption of an improved scale of diet, the issue of provisions in a cooked state, and medical inspection on the voyage. Those provisions had as yet been in operation for eighteen months only, and he, therefore, thought that a fair opportunity had scarcely been afforded of judging of their efficiency; but he could say that, so far as they had been tried, they had been found most serviceable, and that the emigrants derived considerable advantage from them. The hon. Member for Clonmel had also anticipated another objection which might be made to his Motion, as to the extent to which Government interference should be carried. It must be admitted that the case of the passenger trade was an exceptional case, which justified the interference of the Government with the private enterprise of shipowners and charterers of vessels, and the principle of that interference was simply to protect the interests of the great bulk of the emigrants from this country—the Irish emigrants—who were so poor and helpless as to be incapable of ensuring the consideration to which they were entitled. He (Mr. Peel) must say, however, that there was a limit beyond which Government interference ought not to be carried, and his own opinion was, that Government interference in this matter had been carried as far as it well could be carried. It appeared to him that, if they were to interfere to a further extent, and to enter into all the points touched upon by the hon. Member for Clonmel, the whole responsibility of emigration would be thrown upon the Government, and the emigrants would be deprived of that protection which they derived from the interest which the private shipowner had in the success of his speculations. The hon. Member for Clonmel had said that the Committee for which he now moved, was intended to be merely supplementary to the Committee of 1851; but he (Mr. Peel) thought that every point alluded to by the hon. Gentleman, with the exception of the removal of emigrants from Ireland to Liverpool, or their port of embarkation, had been inquired into by the Committee of 1851, and the recommendations of that Committee had, as far as possible, been embodied in the Act of Parliament. Some of the recommendations of the hon. Member for Clonmel appeared to him, he confessed, hardly practicable. He (Mr. Peel) understood the hon. Gentleman to propose that no vessels should be employed to carry emigrants but such as would have been taken up by the Government for the purpose of conveying convicts from this country. There was, however, scarcely any similarity between the two cases. The convict ships were employed to remove convicts from this country to Australia, and it was obvious that when Europeans were to be conveyed through a tropical climate, a distance of 16,000 or 18,000 miles, they required larger space and better provision for accommodation and ventilation on board ship than emigrants who were only conveyed 2,000 or 3,000 miles across the North Atlantic to America. The hon. Gentleman had also referred to the case of remittances. The Committee of 1851 reported that the remittances were then very large, amounting, he believed, to nearly 1,000,000*l.* a year; that they were made through houses of established credit; and that, whatever might have been the malpractices which once existed, the plan had then been, in a great measure, systematised, and that it seldom happened that the friends of intending emigrants from Ireland paid their passage-money to persons who were unable to guarantee such passage. The hon. Member for Clonmel had also made some remarks with regard to the seaworthiness of emigrant ships. He (Mr. Peel) was not aware that any emigrant vessel had left this country in an unseaworthy state. The existing law contained full provisions on that subject. It required an inspection of the vessels by a responsible Government officer, and he believed that inspection was carefully made in the case of every emigrant ship that left this country. The first part of the hon. Gentleman's Motion referred to the extensive loss of life on board of emigrant vessels in the autumn of the last year and the commencement of the present year from shipwreck, disease, and other causes. He (Mr. Peel) thought, however, that the House would be led to an erroneous conclusion if it were to accept, without considerable qualification, the recent disasters at sea as affecting the efficiency of the Passengers' Act. It must be remembered, with respect to the deaths from sickness on board emigrant ships, that last year the cholera existed in this country and on the Continent; that, undoubtedly, many poor persons went on board emigrant ships, carrying with them the seeds of disease, and that such disease was fomented by the crowding together of a number of people in a confined space. What, however, was the course adopted by the Government when they received intelligence of the ravages of disease on board emigrant vessels? The Emigration Commissioners at once published a notice, warning persons that they exposed themselves to great risk by embarking on board emigrant ships during the prevalence of the cholera in this country, and advising them to postpone their departure. That notice was circulated very generally throughout Ireland and the Continent, and he believed that it almost entirely put a stop to emigration. So much so he understood from the Emigration Commissioners that, at the time, great difficulty was found in procuring the complement of passengers for some vessels which were then prepared to sail from Liverpool. With respect to the wreck of emigrant ships, it must be borne in mind that during the last autumn the weather in the Atlantic had been unusually rough. Indeed he had been informed that such tempestuous weather had rarely been known in the Atlantic. He had only that morning read a Report from the emigration agent for Canada, in which it was stated that the average duration of the voyage from this country to Canada for many years past had been thirty-nine days, while in 1853 the average duration of the passage had been forty-eight days. This statement, showing that the average duration of the voyage had been increased by nine days during the last year, proved clearly that the weather must have been unusually tempestuous and unfavourable. No doubt, in consequence of this, the emigrants had had to endure considerable suffering and privation. The hon. Member for Clonmel had adverted particularly to the loss of the ship *Tayleur*, and he understood the hon. Gentleman to say that that case showed the necessity of Government interference with regard to the selection of captains to command emigrant vessels. That instance, however, was one in which the captain appeared to be a person who had had great experience in his profession; and he thought, if the hon. Member read the Report of the Government officer, Captain Walker, who had been sent down by the Board of Trade to inquire into the circumstances connected with the loss of the *Tayleur*, he would see that the loss of that ship was attributable to causes which could hardly be brought within the reach of any legislation. The Report stated that there could be no doubt the loss of the *Tayleur* was attributable to the variation of the compass, caused by the ship being built of iron; and that, while the captain was apparently steering his vessel in a direction which would have taken her safely out of the channel, he was, in consequence of not being aware of the variation of the compass, steering directly upon the coast of Ireland. The great question at issue, however, was this:—Was it really the case that there was a large mortality on board emigrant vessels from this country to all parts of the world, either from wreck, sickness, or any other cause? The Emigration Commissioners had given him a return of the number of passenger emigrants who had left this country during 1852 and 1853, since the new law came into operation; and he thought the House would be surprised to hear what a small proportion of the immense number of emigrants had lost their lives by shipwreck. No less than 792,983 persons left this country in the year 1852–53, and of that number only 510, or 6-100th parts of 1 in every 100, lost their lives by shipwreck. Then, with regard to the general mortality:—he would take, in the first place, the emigration to Australia, which was partly assisted and partly unassisted, the unassisted emigration having sprung up entirely since the passing of the Passengers' Act. In 1852 the mortality on board the Government contract vessels, taken up by the Emigration Commissioners, was undoubtedly considerable, amounting to four per cent; but what was the cause of that large mortality? It was referrible, he conceived, to causes which were quite beyond any legislative provision. The Commissioners, at the request of persons who were acquainted with the Australian Colonies, relaxed the regulation with respect to the number of children conveyed by their vessels; they agreed to take families, including a large number of children, under the belief that such persons would be least likely to resort to the gold diggings; and he had not the slightest doubt that at least three and a half per cent of deaths out of the four per cent consisted of children. There was another cause of mortality which had since been removed. In 1852, the rate of freight being extremely high, it was impossible for the Commissioners to obtain the usual class of vessels; they were therefore compelled to take very large ships with two decks; and the four vessels mentioned by the hon. Member for Clonmel were the double-decked ships chartered by the Commissioners, in which the greatest mortality had occurred. Since that time, however, the Commissioners had discontinued taking up vessels with two-passenger decks, and, in consequence of their having ascertained that the mortality on board emigrant ships steadily increased in proportion to the size of the vessels, they had resolved upon not despatching any ship with a larger number than 400 emigrants on board. He was given to understand that the mortality on board Government vessels to Australia in 1853 did not exceed one, or he believed, even half per cent. Then, with regard to emigration to Canada, he found, from the Report of the emigration agent at Quebec, that in 1853 the number of emigrants to Canada was, 36,443, and out of that number only 240 died at sea and in quarantine, the rate of mortality not being much more than half per cent on the whole number. He found, also, that out of this number of emigrants to Canada 14,453 sailed from Irish ports, and in that number there were only forty-three deaths, or not more than a quarter per cent. He would next refer to the United States. In the different ports of our own Colonies emigration agents were appointed, whose duty it was to see that the law relating to passengers was enforced, to afford redress to emigrants who were wronged, or had just cause of complaint, and to punish the captains of vessels who were guilty of any infraction of the law. But the case was different in the United States. They had an excellent law of their own, but it appeared that it was not properly enforced. In New York, for instance, he found that there was no emigration officer. The Custom-House officers were the persons whose duty it was to administer the law, but they had so much to do in their own particular departments, that they could not afford time to attend to any infraction of the law of their own or of this country which might take place on board emigrant vessels. He was, therefore, without any specific information as to the rate of mortality on board emigrant ships proceeding to the United States; but it was incidentally mentioned in the report of the emigration agent in Canada, that it was stated in a New York newspaper that on board twenty-eight emigrant ships, which conveyed 13,752 passengers, there were 1,141 deaths, the rate of mortality being eight per cent. He thought the hon. Member would have acted wisely, if he had not opened up the large question of the passenger law, which had been so fully investigated, and was working so satisfactorily. It was a mistake to suppose that

that House could by any legislation prevent vessels from going to pieces, or from running upon the rocks—it was equally impossible to prevent occasional errors of judgment, or to ensure good seamanship, under all circumstances, on the part of either master or crew; but if it was thought that an inquiry into the circumstances of those recent disasters to which the hon. Member had alluded was likely to elicit anything which might diminish the chances of their recurrence, and if the hon. Member would consent to limit the terms of his Motion in that way, he should not offer any opposition to it, and should be glad to find it attended with a beneficial result.

Mr. LIDDELL said, it was not his intention to oppose the Motion, and he would beg to call the attention of the House to the terrible sufferings which were endured by the poor Irish who emigrated to this country, and who were thrown in shoals upon the town (Liverpool) which he had the honour to represent. He hoped, therefore, that the Committee would direct their inquiries to the circumstances under which a great number of Irish peasants were brought over from their own country, and shovelled, so to speak, upon the shores of England, with no earthly means of support but such as they might hope to derive from casual charity. Some two or three years ago this evil prevailed to a most lamentable extent, and while the right hon. Member for Morpeth (Sir G. Grey) held the office of Secretary of State for the Home Department, he (Mr. Liddell) had felt it his duty to bring under the notice of that right hon. Gentleman the extreme inconvenience to which the county of Northumberland was subjected from the introduction of shoals of Irish emigrants in the most miserable state of poverty and destitution. He remembered at that period to have seen the roads in the part of the country where he resided, swarming with poor creatures—men, women, and children —with scarcely as much clothing on them as was necessary for the purposes of decency, unable to speak a single word of the English language, and steeped, to all appearance, in as hopeless barbarism as the aboriginal inhabitants of Australia. He had no objection whatever to the emigration to this country of those hard-working, cheerful, and well-conducted Irish labourers, by whose co-operation, at stated periods of the year, the harvest was gathered in, and works of agricultural improvement were efficiently and expeditiously carried out. On the contrary, he believed that the introduction of that class of Irish was alike advantageous to themselves and to their country; but the poor helpless creatures of whom he had spoken were not of this useful class, and it would be certainly judicious to inquire who paid their passage to this country, and under what circumstances they came here, without the means of doing good either to themselves or others.

Mr. HENLEY said, he was glad that the Government had perceived the propriety of granting this Committee, but he could not see the wisdom of restricting them in their inquiries. The more information they collected, and the more extensive their inquiries, the better for the public; for, in this age of continual emigration, the question was one of the greatest importance. The hon. Gentleman the Under Secretary for the Colonies had stated that the Emigration Commissioners, guided by experience, had decided not to send out any ship with more than 400 emigrants. This, however, applied solely to the class of assisted emigrants; with the unassisted the Commissioners had no right to interfere, but of these Parliament should take care. He could not concur in the opinion that the statements made by the hon. Gentleman as to the rate of mortality in emigrant ships, were altogether satisfactory. That hon. Gentleman seemed to think that one-half per cent on a voyage to Quebec was not a serious mortality; but it should be remembered that that voyage averaged two months in duration, and hence the mortality per annum would average three per cent, or thirty deaths among 1,000 people. This he considered rather a serious rate of mortality; and it would be well for the Committee to consider whether it might not be practicable to diminish it. But then, when they came to the United States and found a mortality of 8 per cent, or 48 per cent per annum, it did appear to him to be such a state of things as ought to weigh very strongly against restricting the inquiry. He was quite aware that it was impossible to get rid of all the inconveniences or of all the dangers of a sea voyage by legislation; but that was no reason why they should not inquire whether it was possible to mitigate them. The Committee would, of course, inquire into such calamities as the loss of the *Tayleur*, and endeavour to ascertain the cause of them. Captain Walker had given it most distinctly as his opinion that the vessel was under-manned. The emigration agent, on the other hand, had declared in his evidence that she was adequately manned; so that two Government officers were at issue on a point of the deepest interest and importance.

MR. FREDERICK PEEL: The statement in the Report is, that the crew were not in any way implicated in the loss of the vessel.

MR. HENLEY: That might be; the crew might have exerted themselves to the utmost of their power, and yet they might not have been numerically adequate to the duties devolving on them. Captain Walker did not attribute the loss of the ship necessarily to this defect, but he stated most distinctly that the vessel was under-manned. There seemed to have been some gross negligence somewhere, in not taking care that the compasses were properly adjusted. It seemed impossible to avoid the conclusion that the emigration officer had not performed his duty in that important respect. However, the whole calamity was as yet involved in mystery, and the Committee would be usefully employed in making such an inquiry respecting it as might possibly prevent the recurrence of similar disasters.

MR. CARDWELL said, he believed he rightly expressed the feelings of his hon. Friend (Mr. Peel) when he said that there was only one object in the limitation to the inquiry that he proposed, namely, that it should be limited to those matters which had not been definitely settled by the former Committee. The Government had no desire to impose unnecessary restrictions on the Committee. They suggested limitations only with a view to prevent the Committee from bestowing its time and labour on such branches of the subject as had already been inquired into by former Committees. The Committee, however, would of course collect as much valuable information as they could, and endeavour to ascertain by what means such disastrous occurrences as the loss of the *Tayleur* might be averted for the future. There were already before the House two measures which he had introduced a few evenings ago, and which would materially tend to the greater safety of emigrant ships. In addition to those measures, however, he should be most happy to adopt any valuable suggestions that might emanate from the Committee. With respect to the *Tayleur*, nothing could be clearer than Captain Walker's statement, that the loss of that vessel was chiefly to be attributed to an erroneous assumption that the compass before the helmsman was correctly adjusted. Whether the vessel was adequately manned was, of course, a subject of great importance, and one that would come very legitimately within the cognisance of the Committee. It was undoubtedly a matter of the first importance that the soundings should have been taken accurately, and that, in our narrow channel, the lead should be repeatedly heaved. He would pass no opinion on the conduct of Captain Noble, nor attempt to prejudice his case, because on receipt of the Report of Captain Walker, he had requested the Local Marine Board of Liverpool to institute that inquiry into the conduct of Captain Noble which the Act contemplated, and on which depended the withdrawal or the continuance of his certificate. As inquiry was now in the hands of the Local Marine Board, he felt that he should be doing wrong if he now introduced it in the House.

CAPTAIN SCOBELL said, he was very much obliged to the hon. Member for Clonmel (Mr. O'Connell) for having brought forward the present subject; and he hoped the Committee would be invested with sufficient powers to sift it thoroughly. It was a matter of considerable importance that the meaning of the term "emigrant ship" should be clearly defined. In all cases of Government contracts, as was very well known, none but first and second class vessels were invariably employed—as, for instance, in the case of convicts. Surely, then, as much ought to be done for emigrants as for convicts, With regard to the loss of the *Tayleur*, it appeared undoubtedly that the vessel was very insufficiently manned, there being only thirty-two able-bodied seamen on board, whereas the invariable rule in the case of Government vessels was, that there should be four to every 100 tons burden, and the custom of the port of Liverpool was to have but three; but the *Tayleur* did not seem even to have had three. The reason for this practice was to be found in the fact that the Government never insured, but bore its own losses; while private vessels almost always insured, and, therefore, were anxious to save as much money as possible. In the case of an emigrant ship, the *Themis*, which sailed from Liverpool for Melbourne with 300 passengers on board, the crew consisting principally of Chinese and Lascars scarcely had the ship cleared the land, when the crew was found so inadequate to work the ship, that the captain was obliged to put into port to obtain some British sailors. Parties ought to be employed by Government, to see that in all cases a proper number of efficient seamen were on board, while it would remain for another department to decide whether the captains in each case were fit to discharge their duties. In the case of the *Tayleur*, a crew was shipped only the evening before the vessel sailed. She put to sea on a Thursday, and on the Saturday she was stranded on the coast of Ireland. Really the whole affair was quite disgraceful to the art of navigation.

MR. MEAGHER said, he thought that the Committee, while engaged with the calamities befalling emigrant ships, might with advantage turn their attention to the Government regulations affecting emigrants when on board, and consider whether they were well adapted to the preservation of health, and, what was more important, of morality, which was often endangered by crowding both sexes together on board. He would warn the Committee against being misled by anything which fell from the hon. Member for Liverpool, to inquire into the condition of the deck passengers from Ireland to Liverpool. And when the hon. Under Secretary reminded the House of the law introduced only eighteen months ago, he must say, that it was since that time that most of their calamitous losses of emigrant ships had occurred—a very good reason, he thought, for inquiring into the law as it stood. He found no fault with the Government officers; yet it might be found on inquiry that they were not invested with sufficient power to give effect to the purpose of their appointment. Above all, when so many as 900 human beings were crowded into one vessel, it was surely sufficient reason for inquiring whether accommodation was provided for them, conducive to health and to morality, and for inquiring generally into the whole case. Might it not, also, form a fit subject of inquiry to the Committee, whether an emigration ought not to be confined to vessels with a single deck, and whether temporary decks on deck ought not to be prohibited. He had seen a letter from an emigrant, who had been housed in one of these temporary erections, complaining not only of the indecency to which they were exposed, but of the bad weather which they could not escape. For his own part, he did not think the months of December, January, and February, the most favourable time of the year for the purposes of emigration to Australia, and that, too, might very properly come under the consideration of the Committee, whether it would be desirable to make any regulation as to the season of the year for embarkation. With these suggestions, he pressed the Motion on the attention of the House, and hoped the hon. Under Secretary would not continue his opposition.

MR. FREDERICK PEEL said, he thought it would render all further discussion unnecessary if he stated at once that he consented to the nomination of the Committee, but subject to the understanding that its objects should be confined to the points contained in the Motion of the hon. Gentleman (Mr. O'Connell).

MR. BENTINCK said, he thought it was a very dangerous principle to lay down that by further legislation they could not guard themselves more effectually from the carelessness of sailors. On the contrary, he believed a great deal might yet be done to check all such negligence and carelessness. In nine out of ten cases of shipwreck he believed the loss of the vessel was attributable either to the insufficiency or inefficiency of the crew, or to the carelessness or ignorance of those in charge of it. All such cases, therefore, ought to be dealt with by legislation. He saw no reason, if the penalties at present enforced in cases of culpable neglect were insufficient, why they should not be increased, and additional means taken to promote the levy of the fines in all cases where loss of life had occurred. He, therefore, would suggest, that it should be an instruction to the Committee to determine whether increased penalties ought not to be imposed on masters guilty of all negligence and carelessness.

MR. FAGAN said, he must acknowledge that, after the statement just made by the hon. Under Secretary, any remarks from him were almost superfluous. Still, in justice to his constituency, he could not avoid making a few remarks. And in the first place, he wished to point out the remarkable fact, that while on board foreign vessels, American or otherwise, conveying emigrants to the United States or Canada, the mortality was as high as eight per cent, it only reached to one per cent in vessels the property of British subjects. Now, this was a point which well deserved the attention of the Committee, and they might consider whether some arrangements could not be made with the Government of the United States to enforce regulations as regarded emigrant ships of that country, and to put those ships on the same footing as our own. It was very well known that nearly two-thirds of the emigrants to Canada and the United States were taken out by American vessels; and it appeared from the statement of the hon. Under Secretary that, according to statistics in his possession relating to last year, the mortality on board those vessels was eight times as much as that in British vessels. It also seemed to him (Mr. Fagan) that, as so large a proportion as three-fourths of the emigrants leaving Liverpool were Irish, arrangements should be made to enable those poor Irish to emigrate from their own shores, either from Cork, Waterford, or Limerick, where depôts might be established for the purpose.

Mr. J. O'CONNELL, in reply, said he must disclaim all intention of conveying any imputation on the conduct of the Colonial Emigration Commissioners, his only object being to arm them with such powers as might secure the safety and comfort of emigrants. With regard to the circumstances which had led to the loss of the *Tayleur*, if he had been aware that an inquiry was now going on into the professional capacity of Captain Noble he should have abstained from commenting upon that part of the subject.

Motion *agreed to.*

MILITARY SERVICE AND EXPENDITURE.

Mr. HUME said, he would, according to notice, beg to call the attention of the House to the Report of the Royal Commissioners for inquiring into the practicability and expediency of consolidating the different departments connected with the civil administration of the Army, who recommended that the greater part of the authority, with reference to the Army, which at present belonged to the Secretaries of State, should, for the future, be vested in the Secretary at War, and that in future he should always be a Member of the Cabinet. The Report to which he called the attention of the House was signed by Lord Howick, Lord Palmerston, Lord John Russell, Sir John Hobhouse, and others, and it was presented to Parliament in 1837. The question which he had undertaken to bring before the House was one, in his view, of great importance. It was not a novel question, it was one which he had brought before the House indirectly many years ago, and which he had expected, after the Report of the Commission alluded to in his Resolution, would not have been allowed to remain so long as it had remained without the application of a remedy. At the present moment, perhaps, he should not have interfered, if he had not considered the matter one of the first importance in connection with the military movements which were now going on. It might be all very well that such a complicated system should be allowed to remain as it was in times of peace, but the case was different now; and, in bringing forward this Motion, his object was to strengthen, if possible, the hands of the Government in the administration of the Army, and to enable them to apply the resources of the country in the most direct way, so as to prevent the pecuniary loss which he was prepared to prove had taken place under the existing system. That loss in the various departments of the Army, the Ordnance, and the Commissariat, had been for years past something like 200,000*l.* or 300,000*l.* annually; but, although the Commissioners of 1837 were unanimous in recommending the change he was about to suggest, their propositions remained unadopted. He hoped it would not be considered that, in pressing his Resolution at the present moment, he had any idea of throwing difficulties in the way of the Government. On the contrary, he had never known any period during the last thirty years when supplies were granted to any Ministry with so little trouble as in the present Session, and he, for one, wished it to be seen abroad that there was no unwillingness, on the part of the House of Commons, to grant supplies, and that the House would cheerfully give to the Government the means by which they might best act, in the present crisis of affairs, for the honour and interest of the country. It was, therefore, with no hostile spirit that he brought forward this Motion, but only with the view of showing the anomalies of the present system, and the importance of remedying those anomalies. His object was to show the impossibility of allowing these matters to remain in their present condition, and he had no hesitation in saying that, if any gentleman connected with a large establishment acted on the principle on which the business relating to the Army was conducted, he would very soon bring himself to ruin. He wished the House to understand clearly what his meaning was, and what he really proposed to do. He wished to propose to the House that the whole department of the Army, consisting, not only of the Guards and regiments of the line, but of the artillery, engineers, and commissariat, should be brought under the control of one responsible individual, and that the whole charge for the maintenance of the forces should be brought under the consideration of Parliament by one person, and that the Army department should be placed in the same position, with regard to the Estimates, as the Navy. The Admiralty had charge of everything connected with the Navy, and he wished the Army Estimates to be dealt with in a similar manner. He entirely concurred in the Report of the Commission which sat in 1837, that the different branches should be brought into one department, and that that department should be under the control of one person, who should receive the title either of Minister of War or Secretary at War, it mattered little which. Under the existing system, the 8,000,000*l.* required for the maintenance of the forces was divided into different parts, and 4,000,000*l.* was asked for by one individual, while the remaining 4,000,000*l.* was asked for by various others. It appeared to him to be entirely opposed to anything like sound financial principles that one department, which consisted of three different branches, should be placed under the orders of different individuals. The whole expenditure ought to be under the control of one person, who would, of course, be responsible to that House for the manner in which he executed the functions of his office. If a question was put to the Secretary at War, he could only answer on certain points. If more information was required, application must be made to the Treasury or the Ordnance, and it was a very difficult matter to ascertain to which department inquiries ought to be addressed. The present system had thrown great difficulties in the way of checking the Army expenditure. That portion under the control of the Secretary at War was voted one month; another month afterwards the barrack vote was proposed; and then, in the course of another month, came the Commissariat; then, at another period, came the Ordnance. There was no means of obtaining a comprehensive view of the departments of the Army. Hon. Members who had read the Report of the Commission of 1837 would have a fair notion of the anomalies and inconsistencies of the present system. That Report was drawn up with considerable ability, and no person, he believed, could read it without being forced into a conviction of the necessity of some change being effected. With regard to the naval department of the service, the orders of the Government were conveyed to the Board of Admiralty, and everything connected with the annual expenditure for the Navy was then under the control of that Board. With regard to the Army, the orders of the Government concerning the employment of troops were communicated to the Commander-in-Chief by a Secretary of State, who was a responsible person, and under whose signature all expenditure was sanctioned; but that Secretary of State was the Secretary for the Colonies, whose attention was more than sufficiently occupied with the business of forty-two colonies. The orders were at the same time communicated to the Master General of the Ordnance, the Ordnance—that was the artillery and engineers—being an entirely distinct branch, under the control of the Board of Ordnance; and it did certainly seem that such an arrangement was liable to be subversive of rapidity and unity of action. It was not so in other countries, and why, he would ask, should it be so in this? The Commander-in-Chief and the Master General of the Ordnance might both be very good men, but he did not see why there should be more than one responsible person. He would call the attention of the House to the real duties performed by the Secretary for the Colonies and the Secretary at War, with regard to the administration of the military establishment of the country. When troops were ordered upon foreign service, it might be imagined that the orders of the Government were communicated by the Secretary at War; but it was not so; they were communicated by the Secretary for the Colonies. The Secretary for the Colonies had, in fact, authority in all matters relating to the Army. He submitted to the Queen the consideration as to the number of the troops to be employed on any service, and made known to the Commander-in-Chief the total number decided upon. In time of war it was his duty to communicate with officers commanding forces in foreign countries, and to convey to them the orders of the Government. All Commissions in the Army were practically issued under his authority. The Commander-in-Chief took the orders of the Queen as to appointments or promotions, and then forwarded a memorandum of names to the War Office. The Secretary of War then made two lists of the new commissions, one for regiments serving in India, Ceylon, or in the other Colonies, and another for the remaining regiments, whether in England, Scotland, or Ireland. The first of these lists was transmitted to the Colonial Office, and the latter to the Home Department, and after the commissions had been prepared in those departments they were forwarded to Her Majesty by the Secretary of State for her signature, then they were countersigned by the Secretary of State, and afterwards sent to the Commander-in-Chief. He was utterly unable to perceive what advantage there could be in such a complication, and, when he considered how often immediate action might be necessary, he was convinced that the delay thus occasioned might be productive of great injury to the public service. Another point to which he wished to direct the attention of the House was, the manner in which the troops were supplied with arms; the Commander-in-Chief informed the Secretary at War that arms were required, the Secretary at War then wrote to the Secretary of State for the Colonies, who, after having obtained the authority of the Queen, wrote to the Master General of the Board of Ordnance, and, on the authority of that letter, the arms required were supplied. Four different letters must be written before a single musket could be issued to any one regiment in the service. Why should not the Secretary at War have power to act at once in the matter? Such a method must necessarily be productive of delay; and must, consequently, be injurious to the service. What, on the other hand, were the duties of the Secretary at War? He prepared and submitted to Parliament the Army Estimates; but, in doing so, he prepared them under the orders of the Secretary for the Colonies—in fact, he did little more than was done in India by a kerani, who would copy an English letter perfectly, without understanding a word of the language. The detailed estimates were made out under the orders of the Secretary at War, and by some arrangement with the Commander-in-Chief. The expenditure of the sum granted for the Army was made under a warrant issued by the Secretary at War. The accounts of the regimental paymasters were examined by the War Office. Now, he wished to see the expenditure of every shilling in the War Department brought under some proper check and control. The Secretary at War decided upon all claims as to widows and pensions for the wounded. The Secretary at War, in conjunction with the Commander-in-Chief, with the consent of the Treasury, made from time to time alterations in the rates of pay and allowances. Warrants for payments were prepared by the Secretary at War, and submitted to the Queen. He was required to answer all questions in Parliament connected with the administration of the Army, and could offer such suggestions as he might think fit to the Commander-in-Chief. Now, to make him really efficient, he ought to have the whole of the service under his control. The Secretary at War certainly had some other duty, such as the insertion of military appointments and promotions in the *Gazette*. He had also to correspond with magistrates respecting any complaints against officers or men. It was his duty also to bring before Parliament the Mutiny Bill, to frame the Articles of War, and to issue routes for the removal of troops. He would now proceed to show some of the anomalies of the present system. There were two sets of regulations—one for the Army under the Commander-in-Chief, the other for that portion of the Army under the Master General of the Ordnance. The latter officer exercised all the powers respecting the artillery and engineers which the Commander-in-Chief exercised with respect to the Army. But then came the civil duties of the office. These were placed under the superintendence of the Board of Ordnance, individual officers composing that Board, each taking and conducting a department. That Board performed for the artillery and engineers all the duties that the War Office did for the Army—made the examination of pay lists and accounts, decided claims of officers for compensation, for loss of horses and baggage, &c., and fixed the amount of passage money. Another anomaly existed with respect to the supply of clothing. In France, Austria, Belgium, and Russia, the supply of clothing was under one management and control. Was that the case in this country? No such thing. The clothing for the engineers was provided by the Ordnance Board; the clothing for the militia was also provided by that Board; and it formerly provided the clothing for the Irish police force. Some of the colonial clothing was also supplied by that Board, and great-coats for the whole Army. But what was the case with regard to the Army clothing? It was supplied by the colonel. Now, he could not conceive on what grounds there were two departments to perform precisely similar duties. It could not be argued that any particular species of education was required for the control of the Ordnance Department, for neither the present nor late Master General of the Ordnance were artillery or engineer officers. The designs for and erections of barracks and all other buildings connected with the Army were under the control of the Ordnance Department. Now, though he admired the talents and abilities of the engineer corps, he did not think that in many respects they followed up all the improvements of the day, and, consequently, the public benefit was not so great as it would be if the buildings were placed under the superintendence of a Minister of War, and, after being publicly advertised, were completed by contract with the best possible specifications. If the Secretary at War, for instance, had the charge of this department, he would first ascertain what accommodation was wanted, and then he would call on engineers to give specifications according to the newest improvements, taking care to have the buildings erected and completed as cheaply as possible. The anomalies arising from the existing division of military departments were numerous, and he had that day been informed, though he could not undertake to say whether correctly or not, that an engineer or artillery officer could not take the command of the line; so that were Sir John Burgoyne the ablest general in Europe, this country could not avail itself of his service, by placing him at the head of an army. If such a rule had existed in France, Bonaparte, who was an artillery officer, and many other able officers who had figured on the Continent, would never have had the command of armies. When a superior officer or general was required for the forces in the Colonies, what occurred? The Secretary of State and the Commander-in-Chief determined upon the officer, and the Secretary at War sometimes did not know officially who was appointed, until the officer applied for his passage money? Why should the Secretary of State do more than announce the vacancy and require an efficient officer? for, surely he could not know better the merits of an officer than the Secretary at War, who had so much to do with other applications which made him cognisant of such matters? An army was of very little use without a good commissariat and a proper supply of food; and yet it appeared to him that the supply of food for the Army was conducted in a manner most extraordinarily anomalous. For the Army in England the food was supplied by contract, but in Ireland—though he believed the system was about to be altered—by regimental contracts. The Guards, too, in London, were supplied by regimental contracts, while in the militia the colonels supplied the food as they best could. Why should there be these different modes of supply, and was there any reason why the whole force should not be supplied by contract? He understood that, by a recent arrangement, the Treasury was about to transfer this duty to the Commissariat for Ireland; and then the Commissariat, sitting at the Treasury, would make contracts for Ireland; the Ordnance would make contracts for England, and the Treasury, as usual, would make contracts for the forces abroad. He did not mean to say that every officer engaged did not perform his duty to the best of his power, but these different systems must of necessity occasion mistakes and mismanagement. He was told that it was intended, contrary to the opinion of the Committee of 1851, to introduce the commissariat generally into England, but he trusted he should hear in that House that no such intention existed, for by the evidence of Sir Charles Trevelyan, it appeared that the establishment as then conducted was enormously expensive. The Commissariat should be placed under the control of the Treasury, to be checked, but not conducted, by that department. There was nothing to prevent the supplies of food being consolidated in one department, and the Secretary at War, who was at the present moment the Finance Minister for the Army, would, if invested with the powers he proposed, be the proper person to attend to this matter. Another anomaly was, that the Secretary of State had the bestowal of the Order of the Bath—a distinction chiefly conferred for military services. But what could the Secretary of State know of the merits of officers? Those he could only learn from the Commander-in-Chief or Secretary at War, and the latter would be the proper person to have the granting of it, as he was obliged to know the services of officers, for all promotions, sales of commissions, retirements on half-pay, being matters of finance, came under his cognisance. He would now call the attention of the House to the recommendations of the Commission of 1837. That Commission reported:—

> "1. That the greater part of the authority with reference to the Army, which at present belongs to the Secretaries of State, should, for the future, be vested in the Secretary at War.
>
> "2. An alteration should be made in the form of the appointment of the Secretary at War:—1. That he should in future be always a member of the Cabinet. 2. That he should be the Minister by whom the advice of the Cabinet, as to the amount of the military establishments, should be laid before the king. 3. That he should be the person to consider and act on all points with the Commander-in-Chief on behalf of the Administration, and to be immediately responsible to Parliament for all the measures of the Government with reference to the Army. 4. That he should assume all the merely formal duties relating to the subject now performed by the Secretaries of State, such as the preparing and countersigning of military commissions and the issuing of orders for the delivery of arms to the troops.
>
> "3. The Secretary of State, to whom the civil administration of our numerous colonies, with all their complicated interests, is entrusted, cannot possibly give the attention to the subject (amount and distribution of the Army) which it requires.
>
> "4. The Secretary at War, by whom the Army Estimates are now moved in the House of Commons, seems to us to be the person to whom the important duty of watching over the whole military administration of the country should properly be committed.
>
> "5. To give him, the Secretary at War, a direct control over those large branches of business relating to the military service of the country, which are now managed by the Board of Ordnance and by the Commissariat Department of the Treasury.
>
> "6. With respect to the Ordnance, we think this might best be accomplished by dividing the civil from the military duties of that department. 1. The latter (the military duties) should be left, as at present, in charge of the Master General, who should exercise the same authority he now has in all matters of discipline, promotion, &c., subject only to the general orders of the Government, to be conveyed to him, as we have already explained, by the Secretary at War instead of by the Secretary of State. 2. He should also retain under his immediate orders the Inspector General of Fortifications, and be charged with the duty of superintending the execution of all military works.
>
> "7. The civil business, on the other hand, should be brought under the more direct control of the Secretary at War, by making the board officers, by whom it is more immediately conducted, subordinate to him instead of the Master General and Board of Ordnance; so that their separate divisions of the business would become branches of the War Office, and the whole expenditure connected therewith would be provided for in the general Army Estimates."

Those recommendations appeared to be of vast importance for the purpose of consolidating and bringing under one head these various duties. In the Committee of 1850 Earl Grey, who had been Secretary of State for the Colonies and chairman of the Royal Commission of 1837, in reply to several questions, stated, that so far as respected the inconvenience of the present system, his opinion had not in any way altered, but, on the contrary, was rather confirmed, though, at the same time, he believed that the difficulty of making any alteration was, perhaps, greater than it was at that time supposed. He would read the following extract from Earl Grey's evidence:—

> "In consolidating the two branches of the War Office and the office of the Secretary at War, your Lordship contemplated, I think, still retaining the office of the Master General of the Ordnance as a separate department?—That was proposed.
>
> "Leaving the military part of the Ordnance still under the Master General of the Ordnance?—Yes, but making the Secretary at War the person answerable to Parliament for the whole military expenditure as well that of the Ordnance as for the Army.
>
> "In making him responsible to Parliament for the military expenditure, did your Lordship mean that he should regulate the amount of force to be sent to the different colonies?—My notion at that time was that, with regard to the Army, as with regard to the Navy, it requires some one authority which shall manage the whole business, which shall be both responsible to Parliament for the amount of expense, and shall be bound to consider what the most economical mode of providing for the service which is required may be. At present the Admiralty, as you are aware, has complete control over the management of the whole naval service; but the different Secretaries of State, as the organs of the Government, signify the Queen's commands to the Lords of the Admiralty as to the force to be employed for particular purposes and in particular parts of the world. In the same manner it appeared to me that there ought to be some one authority to have a general cognisance of all military affairs; to receive in the same way the orders of the Government from the Secretary of State, but to be responsible to Parliament for the economy and for the efficiency with which the service is conducted."

He thought that what he had adduced to the House showed that the system, as now conducted, was contrary to sound principles of finance, and calculated to throw difficulties in the way of a thorough investigation by Parliament of the military expenditure. He had waited patiently during many years for the necessary reforms to take place. He knew that there were at the present time impediments in the way, but he did hope that when these impediments were removed the requisite changes would be made, so as to prepare in a time of peace for such an emergency as had now come upon them. They were now called upon to extend their force, and a Supplementary Estimate to the extent of 80,000*l.* was about to be laid before them, which would raise the Army Estimates to between 8,000,000*l.* and 9,000,000*l.*, and, therefore, he thought that, on the score of economy, these changes should be carried into effect as speedily as possible. He asked, fourteen days ago, whether it was the intention of Government to carry out any of these changes, and the answer he received was, "No." That being so, he had no alternative but to propose the Motion which he had brought forward, not in hostility to the Government, but to urge them on to the performance of their duties in a more efficient and economical manner. It was said that this was not the time for these changes. He differed entirely from that opinion, for he thought that no time could be better than the present, when they were called upon so largely to extend the Army. With regard to the word "forthwith," which appeared in his Motion, he was willing to leave that out if any objection were taken to it.

MR. W. WILLIAMS seconded the Motion.

Motion made, and Question proposed—

"That it is the opinion of this House, that, in accordance with the Report of the Commission for inquiring into the practicability and expediency of consolidating the different departments connected with the civil administration of the Army, dated the 21st day of February, 1837, confirmed by Evidence taken before the Committee on the Naval, Military, and Ordnance Expenditure in the years 1848–50, measures should forthwith be taken to consolidate the different branches of the Military Service and Expenditure, and to place the whole under the superintendence and control of one efficient and responsible department."

MR. SIDNEY HERBERT: Mr. Speaker, I certainly agree much more with many of the opinions which my hon. Friend the Member for Montrose has indicated in the course of his speech than with the Motion with which he has concluded. My hon. Friend, I think, differs in some material portions from the Report which he asks us to adopt, and he has stated those grounds of difference with great frankness and in much detail; and I confess with equal frankness that I concur with him in many of the objections to that Report. First of all, let me say what were the circumstances under which the Report of 1837 was made. At that time there is no doubt—and, in fact, it is alluded to in the Report—there had been great impediments placed in the way of carrying on the public business, and that differences and controversies had arisen between the different branches of the war department. It was also true—though the evidence on that head was drawn from a remote source—that in 1812 serious differences had arisen between the Commander-in-Chief and the Secretary at War; and I believe that at a later period, though anterior to the sitting of the Commission of 1837, grave differences of opinion and serious controversies had arisen between the Secretary at War and the Commander-in-Chief. At that time there was a great indisposition on the part of the military authorities to adopt improvements and to listen to the advice which came from the War Office; and as the recommendations which Lord Howick, the then Secretary at War, proposed, and which he ultimately carried to a successful issue, were then thwarted, he was led to propose such a charge in the organisation of the system as would be necessary to carry on the plans which he was convinced, and rightly convinced, were necessary for the well-being of the Army. Now, it has been my fortune, on more occasions than one, to speak in very high terms, though not more high than they deserved, of the efforts which Lord Howick made to promote the efficiency of the Army. But if controversies existed then to such an extent as to render the appointment of a Commission necessary, see how these difficulties have been got over. We are now, I am glad to say, in an entirely different state of things. In the first place, those very plans in which Lord Howick was opposed, he by his energy and determination succeeded, in spite of the opposition, in carrying into effect. At present, therefore, these grounds of complaint no longer exist. If you look to the proceedings of the last few years, you will find that great changes have from time to time originated at the War Office, and that these changes have ultimately been invariably successful. During the administration of the present Lord Panmure, two of the greatest changes that could be conceived in the condition of the Army were proposed by him and ultimately carried out—that is, the abolition of military service for life, and the substitution instead of a limited service of ten years; and next, the introduction of an examination of officers before receiving their commissions. These changes were vital in their nature; the first altered the whol system which had subsisted during the late war and since till the change was made. The military authorities at the time thought that service for life was almost necessary not only for the efficiency, but even for the very existence, of the Army; but, in spite of that opinion, Mr. Fox Maule succeeded in carrying this change, and at the present day there is a complete harmony between the military and civil departments, arising out of more enlightened and extended means on the part of the military authorities; the indisposition to change has entirely disappeared; and as far as the differences and controversies are concerned, there is no longer any ground for change. But my hon. Friend the Member for Montrose says, he thinks the Army ought to be under one head, the same as the Navy. Now, I must remind him that the Navy is not under one head in the same sense in which he proposes that the Army should be under one head. The Navy is, and is by this very Report proposed to be, under two heads—for the *personnel* is under one department, and the *matériel* under another department. Everything relating to the artillery, and to the science of projectiles, which is more likely to be understood by men who have devoted their whole time to the investigation of these subjects, than by the officers of the Navy, was, according to the recommendation of the Commission of 1837, to be taken under the charge of the Ordnance Department. But, more than that—when I was Secretary to the Admiralty, applications were coming to us from the Colonial Office constantly, and which we used to think exceedingly inconvenient, to the effect that the political necessities of the country rendered it necessary to send ships and officers to stations where, if regard was had only to the efficiency of the force, they ought not to go. I remember, when an insurrection broke out in the Ionian Islands, the Secretary for the Colonies issued his orders that the Admiralty should send ships from other parts of the Mediterranean for the purpose of putting down the insurrection in those islands. So, when the famine took place in Ireland, ships were sent to Ireland by the orders of the Home Secretary, to furnish a supply of food at the different ports on the Irish coast. Well, then, it is not correct to say that if you were to constitute the Secretary at War a Secretary of State he would be in the same position with the First Lord of the Admiralty, because the First Lord of the Admiralty takes his orders from the Secretary of State; while if you created one officer for the whole department, he would take no orders from the Secretary of State, but his office would absorb into itself all the duties connected with the Secretary at War—all the duties performed by the Master General of the Ordnance—all the duties performed by the civil portion of the Ordnance—all the duties connected with the Army now performed by the Treasury and by the Commissariat; and in addition to this vast increase of duties he would have to take on himself the duties now performed by the different Secretaries of State, and would be required to be responsible for the distribution of the whole force throughout the country. Let the House consider, for one moment, the increasing and complicated machinery with which the Secretary at War would be encumbered, if he were required to discharge all these various duties. Let us see if there would be any increase in promptitude by the substitution of this new officer in place of the Secretaries of State and the Commander-in-Chief. How is the Secretary at War to judge whether or not there is an additional force required in any part of England? You may have disturbances in Lancashire; you may have strikes; you may have an uneasy feeling between the men and their masters; you may have Rebecca riots in Wales; you may have an insurrection in Ireland. The Secretary at War could only obtain his information on these points from the Secretary of State for the Home Department. You may say that he is to issue his orders, and that he alone is responsible for them; but in point of fact he is not responsible, for he can only get his information from the Home Secretary, and he must take his word for what is going on. Or suppose that there is a disturbance in some part of our Colonial Empire. The new Secretary of War must then be the mere go-between between the Colonial Secretary and the Commander-in-Chief. In point of fact, the Colonial Secretary would dictate then to the Commander-in-Chief as he does now—the Home Secretary would dictate as he does now; but in place of doing that directly—in place of making his own explanations, and receiving explanations from the Commander-in-Chief as to the difficulty of moving troops, and so coming to a mutual understanding, all this would then have to be filtered and strained from one to the other through this new Secretary of State, who would be a third party placed between two parties who had hitherto worked sympathetically with each other, and the result would be that you would infuse difficulty where there is now simplicity, and a cumbrous mode of arriving at an object where there is now directness. My hon. Friend stated with great frankness in what he differed from the Report of the Commissioners, and I think I cannot do better than follow his example and state, with equal frankness, the course which I would follow. I do not say that the present system is a perfect system. Theoretically, no doubt, it has many faults, but practically it works very well—though my conviction is that by certain well-considered changes it may be made practically to work much better. Let me first of all say that, having given my opinion as regards the question of the abolition of the present authority of the Secretaries of State, I would like to fortify it by quoting the opinion of Lord Panmure, who has a great leaning towards the views of my hon. Friend the Member for Montrose, and who, when examined before the very Committee of 1837, whose recommendations my hon. Friend (Mr. Hume) wishes the House to adopt, on being asked the question, "With reference to the maintenance of the public peace at home, is there any Member of the Government more competent to form an opinion upon that point than the Home Secretary?" replied—

> "Certainly not; the Home Secretary is the most capable, and he ought to be the person who should advise the Crown with reference to all matters connected with the preservation of the peace of the country. Is not he in constant communication with the lord-lieutenants of counties, and with the magistrates generally?—Certainly. With reference to the aid which may be required from the military branch of the public service, for the maintenance of peace and the support of the civil power, is there any one so immediately responsible as the Home Secretary?—No one can be. Therefore, upon the question of the quantity of military force that will be required in aid of the civil power, is not he the most competent judge?—Whoever may be the party to decide upon what force is to be maintained in the country, he is, and of course must be, guided by the advice of the Home Secretary as to what force should be maintained in the home districts. If there were transferred from the Home Secretary to the Secretary at War, for instance, the duty of judging of the quantity of force to be maintained at home, would not the Secretary at War want that correspondence which takes place with the Home Office, for the guidance of his judgment?—I take it that he would go to the Home Secretary to furnish him with that information to guide his judgment upon that point. Then at last it would come to a mere shifting of the responsibility from one Minister to another, but a communication with the Home Office would be necessary to enable the war department to form a judgment with reference to the quantity of the home force that may be required?—A war Minister placed in the position supposed in Mr. Ellice's question, would be informed by the Home Office that so many troops were required in such a district; and then he would distribute those troops as economically as he could upon his own responsibility."

But what then would his responsibility amount to? If he were called upon to answer for his distribution of forces in the country, his answer would be—I was told by the Home Secretary that he required a certain number of men in certain districts, and I furnished them. The Home Secretary is the man who governs the country—he is the man who is responsible—you may call the Secretary at War responsible if you please, but he is a mere go-between between the man who is really and virtually responsible for the peace of the country and the Commander-in-Chief, who provides the troops that are required. I will now state what are my own views on this subject. I do not believe that it would be safe to add very largely to the existing consolidation of the duties of the Ordnance Department. The Ordnance Department has had placed upon it, since 1815, the care of the barrack departments in England, Ireland, Scotland, and the Colonies, and the care of providing fuel and light, both in England and the Colonies, important duties which were formerly discharged by other departments. As far as I have had the opportunity of judging of the working of that department, I think there are certain great objects which we ought constantly to keep in view. If I had the power, by a magician's wand, to rearrange the department without reference to existing circumstances, and especially without reference to the difficulties of the present moment, when it becomes necessary not to change our tools, but to use them, I should say that a change in the interior arrangement of the Ordnance Office would be far more important than any change in the office of the Commander-in-Chief. Now there is a broad line of distinction between the Master General of the Ordnance and the Commander-in-Chief. At present the business of the Commander-in-Chief is very much of the nature of routine. He can make no alteration in the army which carries with it any expense, without the sanction of the Secretary at War. He can promote to a vacancy, but that vacancy, so far as it is caused by retirement, can only be created with the consent of the Secretary at War. He can remove no officer to half-pay. Similar duties fall to be discharged by the Master General of the Ordnance, though not to the same extent; but then there is no such check upon him. But the duties of the Master General are ten times more important; they are such that, though they require him to be a military man in a great degree, yet the civil element enters largely into them. The providing of ammunition and the care and maintenance of fortifications both come under the cognisance and await the decision, of the Master General of the Ordnance. His duties, in fact, are of the most complicated nature, and require the advice of men eminent in science, and they often demand a nice judgment to decide. If a fortification be commenced which turns out in the end to be useless, there is great harm done, for it is not merely the waste of time and labour, consumed in erecting the fortification, but that fortification must be maintained, and it will abstract men who might be employed in other and more valuable services. I say, therefore, that, though it does not rank so high, the office of Master General of the Ordnance is of more importance to the State than that of the Commander-in-Chief. I confess that as far as I have seen the working of the War Office in connection with the Horse Guards, I would attribute its great financial success to this fact, that the one office incurs the expense, while the other checks it. My hon. Friend has been pleased to undervalue the duties of the Secretary at War; but I believe that the main reason why the administration of the Army is more economical than that of the Navy is this, that the Secretary at War watches over every step of the Commander-in-Chief, and checks his course whenever it is inconsistent with economy. I think that this check, which is applied by the War Office to the Horse Guards, ought also to be applied by the War Office to the Ordnance. I confess again—but this is my private opinion, and I pledge no Member of the Government to it—that I think a further division might be made, though there would be great difficulties attending the arrangement, which would give the Commander-in-Chief the command of the whole *personnel*, and the Master General of the Ordnance the direction and control of the *matériel*, so that the whole of the artillery, for instance, as troops, should be under the control of the Commander-in-Chief. But I am aware that that is an opinion not shared in by others, though it is an opinion I have come to from all the means I have had of judging. However, it is a change not so indispensable as that which I mentioned before, which is a sound, and I believe an undisputed opinion—that the check on the army expenditure at the Horse Guards might be applied with advantage to the Ordnance. There are other and minor points to which my hon. Friend alluded, and in which I should hardly think of following him, if I did not wish to state my opinions with equal frankness to his own. He has spoken about a change in the mode of drawing up commissions. The commissions are now drawn up in the Home Office, and I know no reason why they should not be drawn up in the office of the Secretary at War, and countersigned by him, rather than by the Home Secretary. The general process of providing stores was well described in the Report of the Commission of 1837, which stated that, when arms were required by the Commander-in-Chief, he wrote to the Secretary at War, and the Secretary at War wrote to the Home Secretary, and there the thing stopped. Properly speaking, the Home Secretary ought to have taken the Sovereign's pleasure on the subject, and on the Sovereign's signing the warrant the arms would be delivered. But it was known that King George IV. had a very great aversion to the frequent signing of his name, and as he would not sign the warrants, the Home Secretary ceased to send them. The warrants became mere waste paper, and the arms were sent on the authority of the Secretary at War. But when Her Most Gracious Majesty came to the Throne, with that punctuality in business which has always characterised her, and with that desire which she has ever shown to identify herself with everything that relates to the comfort and well-being of the Army, she desired that the warrants might be sent to her for her signature, and they have been sent ever since. My hon. Friend has referred to another matter with regard to the Commissariat. The Commissariat department supplies stores throughout the Colonies; but the Commissariat Commission, over which my noble Friend the Member for Totness (Lord Seymour) presided, recommended several alterations, by which considerable reductions have been effected.

The result of those alterations has been that we have the services of some reduced officers and officers upon half-pay in the Commissariat, whose assistance is economically used for the purveying of food for the troops, while a fixed stoppage has been substituted for the regulated system of contract. And further, in the expedition which is now proceeding to the East we have found that we have the services of an ample number of able and experienced men, who have effectually organised the Commissariat establishment. But I confess with reference to this branch of the service I never could understand why Commissariat officers, whose business it is to provide food and forage for troops, should act as bankers to the Treasury. That is a practice I cannot understand. I should be glad, therefore, to see the Commissariat put upon another footing in that respect. Suppose the course was taken which I have suggested—that is, that the command of the artillery should be taken from the Ordnance, and put upon the Horse Guards; in other words, that the Commander-in-Chief should have under his control the *personnel* of the Army, and the Ordnance the *matériel.* This would be a proper division, and in this sense the Commissariat would serve under the Ordnance; and then would apply the formal check of the Secretary at War as to finance in the same manner as it is applied at the Horse Guards. I now come to the course proposed to be taken immediately, at this particular juncture. My hon. Friend has alluded to the evidence which was given by Lord Grey in 1849. I will also read one or two passages from Lord Grey's evidence, because if Lord Grey thinks there is a time when no alterations should be made *à fortiori* the present is a moment when, in my opinion at least, it would be dangerous to make such a change as that proposed by my hon. Friend. Lord Grey is asked:—

> "Is your Lordship aware that any alteration has been made since that waste of time and paper was pointed out in 1837?—I am not aware that there has been any change made.
>
> "Does your Lordship's recollection enable you to state whether the subject has ever been before the Government of which you have been a Member so long?—I do not think that the subject has ever been taken up lately. After the Report was issued, it was considered in the beginning of the year 1838, and there was an intention of making rather an extensive change, but it was found that there was so much objection entertained to it, I believe throughout the Army and throughout the Ordnance, that the intention was abandoned, and I am not aware that it has ever been revived.
>
> "Were not, in fact, five of the seven Commissioners in 1837 Cabinet Ministers at the time, and have they not remained so while that Administration was in office?—They are now again Cabinet Ministers; they have been so all the time.
>
> "Is your Lordship's own opinion, as expressed in that Report, in any way altered by anything that has occurred since which leads you to approve of that system being continued?—My opinion is certainly not altered as to the cumbrous and imperfect nature of the existing arrangements. I am not prepared to say that it is impossible to devise a better mode of improving the system than was suggested in this Report. That is a very difficult question.
>
> "Although you retain your opinion as to the cumbrous nature of the present arrangements, you have never, during the interval which has elapsed, thought it sufficiently embarrassing and prejudicial to the public service to render it your duty to bring it before the Cabinet of which you have been a Member?—No, I have not. I believe that in peace the present arrangement, though certainly very imperfect, works tolerably well; and it is always right to have a good deal of consideration for the feeling of the profession; and I believe the profession is very much against any such change as was proposed in the Report."

Such was the evidence of Lord Grey on this subject, and it should be received with all that respect and deference which is due to so eminent and experienced an authority on such matters. I have already explained to the House the opinion which I myself have formed from having paid some attention to this subject during the past year. At any time I think you ought to proceed step by step. The process should be gradual. But at this moment I do not believe you could undertake a more rash experiment than when you are about to enter upon a serious contest, and when you will have the greatest pressure upon your machinery from being engaged in a very hot war. I believe you have a system in operation which practically works well, though there are defects in it which I have endeavoured to point out—defects, however, which may be remedied—and which, in an emergency like the present, will give efficient results. It certainly occurs that in manufactures, for example, there is great power in the division of labour, and that great results are obtained from it; but the question here is, whether the greatest results cannot be obtained rather by combination than division. Well, if colleagues are thoroughly imbued with a strong desire to carry out great objects for the benefit of the public service, they will act just as harmoniously in three different departments as if you had them all concentrated in one. Since I have been in office, for example, it has been the custom for the Master General of the Ordnance, the Inspector

General of Fortifications, the First Lord of the Admiralty, the Commander-in-Chief, and myself, to meet periodically at the War Office, and go carefully through all the different changes which were being made with regard to our home defences. Whenever we had colonial questions of a like character to consider, we did the same in conjunction with the Colonial Secretary. And so everything has gone on harmoniously, and, I trust, efficiently. Recollect that the Colonial Secretary is, to a great degree, necessarily a War Minister. He certainly governs large colonies which have no garrisons, and which are strictly colonies; but he also governs colonies which are not colonies, but garrisons. Such are Gibraltar, the Ionian Islands, Bermuda, and Mauritius—though the latter is both a colony and a garrison. These places are held for war purposes; but they are governed by the Colonial Secretary, and nobody has yet dreamt of putting them into the hands of the Secretary at War. If you think the Secretary of the Colonies is unable to carry on the duties of a War Minister because he is overworked, you must likewise recollect, that of the three Secretaries of State, the Colonial Secretary is the only one whose work must ultimately become much lighter. The work of the Foreign Secretary is the heaviest of all; and that of the Home Secretary is rapidly accumulating. With respect to the Colonial Secretary, however, the House must remember that in every case where you give responsible government to a colony, you cast that colony, as it were, away; her connection with you exists in an imperial sense, but administratively she is almost entirely cut off, and thus consequently the work for a Colonial Minister becomes lighter. Fifteen or sixteen years ago, I believe, Canada gave more trouble, occupied more time, and inspired more anxiety in the breast of the Colonial Minister, than all the rest of the colonies put together. But I apprehend that at this moment there is no part of our colonial empire which gives so little anxiety, which consumes so little time, and gives so little trouble to the Colonial Minister as Canada. The Cape of Good Hope has been got into the groove of self-government, and the same thing will happen there. The same result will ultimately take place with regard to Australia, Van Diemen's Land, and other colonies. Under such circumstances, I say you must not consider the Colonial Minister unfitted to undertake the charge of direct operations in war. As far as we have had experience—and we have had the opportunity of judging for the last few weeks how the existing machinery will work under what may be called very high pressure—we are satisfied it has worked well. The Government, as the House knows, have been engaged in sending out the largest military force that has been sent out of this country for many years. It is a larger British force than that which the Duke of Wellington took with him to Portugal, or than he had with him at Waterloo; and it has been fitted out with greater attention to efficiency and to health than any that ever previously left our shores. This was done in an unprecedented short time; and all who have seen the troops will admit that an army never went forth in a higher state of efficiency both in the *personnel* and the *matériel.* We know, therefore, by practical experience, at the present moment, that these different departments can work together harmoniously and efficiently. I confess, then, that, holding the opinions which I have frankly stated to the House, wishing to carry them out, and hoping to see them effected, I should look with great alarm upon the success of a Motion which pledged us instantly to put the whole of this machinery out of gear in order to introduce what I dare say might in some respects be an improvement, but which as a whole can only be regarded as a theoretical proposition. There is another consideration, also, in reference to my hon. Friend's proposed reformations, which ought to be most seriously and gravely reflected upon, and that is, that you can seldom make any very great changes, such as those suggested, in Government offices, suddenly and at once, because, if you do attempt to do so, you run the risk of disturbing that accurate knowledge of routine business which is most important, and can scarcely be overrated. The success of the conduct of a department depends, as the House must be aware, in no slight measure upon an accurate knowledge of routine. We have in every department men who may be called only men of routine. But yet they are men of ability. Their eyes have long been fixed upon particular objects; their duties have trained them to it, they are thoroughly masters of details, and they are consequently of the greatest use in administering the affairs of the department. But change their position, ask them to originate a new routine;

take them off the rails, do this, and you will soon find the whole establishment in confusion. My right hon. Friend the First Lord of the Admiralty effected the greatest change made in modern times in the organisation of that department; and I have asked him how it was effected. The answer he gave to me was, that it took years of difficulty to get over the changes which he introduced; that it took years of labour before he got things to run in their accustomed course; that it took years of trouble before the men got used to the new machine; and that it would have been totally impossible to have made such a change under the pressure of war. My hon. Friend the Member for Montrose has said, that he has no wish to embarrass the Government; and that the House has consented to vote the supplies, we have asked, cheerfully. I am prepared to acknowledge that. I think the conduct of this House in general, and that of my hon. Friend under existing circumstances, has been most honourable to them. They have most laudably supported the Government in this emergency. But I must confess that if an immediate adoption of the very large change now recommended, and the consequent abolition of three or four existing posts, be forced upon the Government—although the changes were feasible, which I doubt—the efficiency of the public service would be impaired. Having expressed these opinions with entire unreserve, but always bearing in mind that we ought gradually to approach towards a better state of things, I hope my hon. Friend will allow me to ask him not to press this Motion.

LORD SEYMOUR said, he had listened to the speech of his right hon. Friend the Secretary at War with great pleasure, though it contained some points with which he could not concur. His right hon. Friend had expressed his willingness to consider any suggestions for the improvement of the departments referred to, and to deter unnecessary expenditure. He could not object to the statements by which this assurance was qualified; and when his right hon. Friend added that this was not the right time, though when the right time came he should be prepared to make a change, he (Lord Seymour) heard with no dissatisfaction an argument which had lately been treated with scorn and contempt. He wished, however, to call attention to two or three points on which his right hon. Friend had touched. Circumstances, he said, had very much altered since the Commission of 1837, which had been referred to so often both by his right hon. Friend as well as by the hon. Member for Montrose. In considering this subject, he (Lord Seymour) would refer to these altered circumstances since the military affairs of the country had been put under the Secretary of the Colonies. The Secretary of War was an office created, he believed, about the year 1795; and in the year 1800 the business of the Colonies was transferred to the Secretary of War. But at that time the Secretary of War had little to do as regarded the Colonies, for they did not give the same amount of trouble which they did in later periods. His right hon. Friend hoped that the Colonies would hereafter give less trouble. He trusted this idea might prove correct; but, considering that we had forty-two colonies, with only one Secretary of State to read and answer all the correspondence relating to them, he thought they provided work enough for one man without making him also responsible for the management of a great war. Lord Grey had stated to the Committee of 1849 that, in his opinion—

> "it was absolutely impossible for the Colonial Secretary to exercise a constant supervision over the arrangements with regard to the military forces of the country."

But Lord Grey, who had given this opinion, was himself in a favourable position, if any man ever was, for exercising this supervision, for he had previously been Secretary at War, he was familiar with the details of the organisation of the Army; yet when he became Colonial Secretary, he felt he could not, with all his previous knowledge, exercise a proper superintendence over matters connected with the Army. And he (Lord Seymour) would ask whether it was possible that a Secretary of State, who was generally chosen not on account of his military knowledge, but for the sake of his general wisdom and judgment, could be the fittest person to manage and conduct the affairs of war? In the last war the Colonial Secretary had, he believed, an Under Secretary, who was an eminent military man; but at the present moment there was nothing of the kind. Now, he wanted to know whether any assistance was to be afforded to the Colonial Secretary in this respect, so that he might not be at a disadvantage on account of his want of military knowledge? Then, he would ask, how had the present system worked? Had it worked well? We had had the Duke of Wellington Prime Minister; Sir George Murray, Colonial Minister; Sir Henry Hardinge, Secretary at War, at the same time; yet Lord Grey stated that, even at that time, with these great military authorities in the Government, the arrangements were so complicated between the different departments connected with the Army, that it was impossible business could go on well. Lord Grey had given some information which proved this statement. He referred, for instance, to several cases in different colonies, which showed the inconvenience of arrangements by which not only purely military matters, but matters affecting the health of the troops, and even their lives, were delayed, and eventually forgotten. In 1836, on the 18th of July, Colonel Nicholls, stationed in Bahama, wrote to the War Office respecting an officer's room in the barracks; it was a most unwholesome place, destructive to health; the officer who occupied it was sick and dying; and he wished for the necessary authority to have it put into a proper condition. One would have expected that such a notice, coming as it did from an officer who then held the position of Lieutenant-Governor, would have met with some consideration; but the letter remained unnoticed for a whole year; disputes going on all the time between the different departments, who referred it from one to another, whether the room should be washed, cleaned, and ventilated. At last, in the following year, another letter was sent, reminding the authorities of that sent in July, 1836, and earnestly calling attention to the inconvenience which the delay had created. Several more letters and explanations passed between the different departments; and at length this small matter, which affected the health of officers serving upon a distant station, was accorded. Another case was also mentioned by Lord Grey. Colonel-Commandant Cockburn wrote to the Treasury about the state of the barracks at Bahama; and in his letter he said that plans had been sent in year after year, and that life after life had been sacrificed, still no order had been given upon the subject. When gallant officers were writing in this way, and the facts were brought under the notice of the Committee of 1849, it was natural that Parliament should be anxious to know whether any steps had been taken to remedy so discreditable a state of things. There were other cases to which he might refer, but in this very correspondence about the barracks the Ordnance referred to the Colonial Secretary; then it appeared the Colonial Secretary could not find the earlier letters, and so the whole thing was stopped, because the earlier letters could not be found. Next, the Ordnance were obliged to ask what was the question. The question was, whether the troops did not want new barracks; but this question had not been answered in 1838. The correspondence on this subject passed through no less than five departments—the Secretary of the Colonies, the Treasury, the Commander-in-Chief, the Secretary at War, and the Master General of the Ordnance—besides through the offices of the civil governor, and the officer commanding in the colony. Very truly was it said by Lord Raglan, then Lord Fitzroy Somerset, in one of his usual business-like letters, that "the multiplicity and complexity of correspondence must always tend to inconvenience and delay." Another and a similar instance occurred with regard to the barracks in Turk's Island. Barracks were much wanted there, and in December, 1838, a letter was written to the Treasury, requesting them to make provision in the Estimates for the erection of the necessary buildings. The letter was referred to the Ordnance, and they said it had been brought under the notice of the Master General, but that, in the absence of instructions from the Colonial Secretary and the Lords of the Treasury, they were unable to issue any order. Consequently, nothing was done. A long correspondence then took place between the Ordnance, the Colonial Secretary, and the Treasury; and then the Ordnance wrote another letter, stating they possessed no information; and at last it was discovered that Turk's Island was not under the Ordnance at all. These were cases which proved that some general control and superintendence were necessary.. Such things could not have happened if only his right hon. Friend had been responsible; for he would have taken care that the decisions were given either one way or the other at the earliest moment. A question next arose as to the food of the troops. There had been complaints of illness for nineteen years; the medical department reported the health of the troops, and pointed out various things that might be done in the barracks and elsewhere for the benefit of the troops. The representation came to the War Office that it was necessary to substitute fresh meat for salt provisions. This took a long time to effect. There really appeared no end to the correspondence between the Commissioners of Audit, the Treasury, the Ordnance, the Colonial Secretary, and the War Office. At last the change was effected which ought to have been effected nineteen years before, and then, instead of being attended with an increase of expense, as expected, it was found to be absolutely more economical. What his right hon. Friend (Mr. Sidney Herbert) had said that he was ready to do was good so far as it went, but he (Lord Seymour) should have liked the duties connected with the Army, now performed by the Secretary of the Colonies, to be transferred to the office of the Secretary at War, leaving the Secretary of the Colonies to state what force was required in the different colonies, and, of course, empowering him in cases of emergency to communicate directly with the Horse Guards without the interposition of the Secretary at War. He was convinced that there could be no economy until we had some more general superintendence over the administration of the Army. The relief of troops might also be more economically managed under the direction of the Secretary at War, who had the military authorities immediately at hand to consult, than under that of the Colonial Secretary, who, from not being well acquainted with the subject, might give orders which would entail additional expense on the public. He was glad to hear the right hon. Gentleman state that he was in his own mind inclined to divide the Commissariat department; to place, as he (Lord Seymour) understood him, that portion which belonged to the supply of the troops under the Ordnance, keeping the Ordnance under the check of the Secretary at War, and leaving to the Treasury that which might be called the banking department. At the same time, he hoped that the Commissariat officers would not be allowed to contract for the supply of all consumable articles to the troops at home. He knew that at the Treasury there was a great love for the Commissariat, and it was thought that nothing could be done except by its officers. Sir Charles Trevelyan said that he thought it was but fair to the Commissariat officers that they should have the supply of the troops at Home, on account of their having had so much service abroad; but Lord Fitzroy Somerset had recommended that the troops should be supplied on the regimental system. He believed that every Member of the Committee upon this subject was satisfied with the ability of the gentlemen in the office of the Secretary at War, and he should be glad to see them relieve the Colonial Secretary of some of those duties which he could not properly perform. He did not go the whole length of the Report of the Commission upon this subject; but he supposed that Report was well considered, and he should like to hear what were the present opinions of those who signed it. He should especially like to hear whether his noble Friend the Secretary of State for the Home Department (Lord Palmerston), who had had many years' experience in the War Office, retained the opinions which he entertained when he signed the Report of that Commission, and how far he agreed with the opinions which his right hon. Friend the Secretary at War had expressed on this subject. He quite agreed with his right hon. Friend, that this was not a convenient time for remodelling great departments, but he thought that we might now relieve the Secretary of the Colonies, either by transferring some of the duties at present discharged by him to the Secretary at War, or by the appointment of a military secretary to assist him. After the speech of his right hon. Friend the Secretary at War, he thought that it would be impolitic on the part of the hon. Member for Montrose to put the House to the trouble of dividing; and he hoped that, after a little more consideration, the Government would be prepared to go a step further in that consolidation of departments which, as regarded finance, would be satisfactory to that House and the country.

SIR JOHN PAKINGTON said, he considered that the hon. Member for Montrose (Mr. Hume) had done a service both to the House and to the country, by calling attention to this question at the present moment; and, though he readily admitted the candid and fair spirit in which the right hon. Gentleman the Secretary at War had met the speech of the hon. Member for Montrose, he must at the same time say he did not think the right hon. Gentleman had been altogether successful in meeting the statements and arguments which the hon. Member for Montrose had urged upon the House. With regard to several of these statements and arguments the right hon. Gentleman had not offered any answer at all.

Every one must feel that at the present moment public attention would be directed more urgently than ever to the state of the Army, and the manner in which the Army was governed and conducted; and he was afraid all must admit that, great as the efficiency of that Army was, there were several points connected with its government and its management which could not be regarded as satisfactory. The hon. Member for Montrose had adverted tonight to several of these points; among others, to the system by which the army was clothed. There were also other points which from time to time had occasioned a considerable amount of scandal, and nothing that excited public disapprobation could occur without being more or less injurious to the public service. These, however, were not the chief points raised in the speech of the hon. Gentleman (Mr. Hume), but the points specially raised in the speech of the hon. Gentleman were the questions with regard to the parties by whom the Army was managed and governed. He (Sir J. Pakington) thought the Members of the present Government would not find fault with him if he attached weight to and expressed his approval of a document that bore the signatures of "Palmerston" and "John Russell." Their signatures were attached to the Report of the Commission of 1837; but, if he was to judge from the speech of the right hon. Gentleman the Secretary at War, those noble Lords were not now disposed to carry out the views they urged in 1837, but were rather disposed to contend that this was not the time for such changes, although, as the noble Lord the Member for Totness (Lord Seymour) remarked, Government had not lately shown themselves very accessible to arguments as to the inopportuneness of the present time for particular and very important measures. And what was the state of things which the two noble Lords he had named disapproved in 1837, but which they appeared to be unwilling to depart from or change now? Could it be contended that the present mode of carrying on the government of the Army was satisfactory, or could conduce to efficiency? We had an Army governed — first of all, by a Secretary of State for the Colonies, as Secretary of War; then, we had the distinct office of Secretary at War; then the distinct office of Commander-in-Chief; and finally, the distinct office of the Board of Ordnance. And what, then, was the inevitable result of having these numerous distinct authorities to carry on that which, he confessed he believed, like any other great public department, would be much better and much more efficiently carried on by one authority. The noble Lord the Member for Totness (Lord Seymour) had made statements upon this subject which he himself (Sir J. Pakington) was enabled to confirm, from the experience he had gained, during the time he had the honour of holding the office of Secretary of State for the Colonies. Upon two occasions, which he now bore in mind, he happened to receive applications of an urgent nature, relating to the health of our troops in the Colonies—in fact, to the effect that our troops in different parts of the world were suffering from sickness and other causes brought on by deficiency of barrack accommodation. He was anxious, of course, to adopt remedial measures as soon as possible, but, on inquiry, he found that, although he was nominally War Minister, he had no power, and he was obliged to refer the matter to another department, which department referred it to another. It appeared that no department was really responsible, and while the various departments were pressing questions upon one another, it was found practically impossible to remedy the evil, perhaps not practically impossible to remedy the evil, but, at any rate, to remedy it with that promptness and despatch which in such a case was highly necessary. The evil was, consequently, obliged to remain for some time unchecked. He quite concurred with what had fallen from the noble Lord (Lord Seymour) upon this subject, and he thought the right hon. Gentleman the Secretary at War, in endeavouring to answer the objections of the hon. Member for Montrose, had only confirmed them and shown their full force. "Very true," the right hon. Gentleman said, "we have these various departments, but they are now acting in perfect harmony together;" but at the same time the right hon. Gentleman admitted that at no distant day, instead of acting harmoniously together, there had been great discord in these several departments. The discord which had occurred at one period might occur again, and he thought the right hon. Gentleman had shown no reason why the harmonious action now existing must be permanent. He (Sir J. Pakington) could not but think that anything like the want of harmonious action when our forces were in the field could only be attended with serious injury to the public service. The right hon. Gentleman (Mr. S. Herbert) said no sufficient reason had been urged for creating a Secretary of State for the War Department. Now, the Motion of the hon. Member for Montrose did not, as he (Sir J. Pakington) read and understood it, require the appointment of a Secretary of State for the War Department, but what the right hon. Gentleman himself said showed the necessity of placing that great department under the superintendence and control of one efficient office. That was alone the object sought for by the hon. Member for Montrose, and he (Sir J. Pakington) thought that, when the right hon. Gentleman the Secretary at War had shown that the Queen's commands were conveyed through different Secretaries of State, sometimes the Home Secretary, sometimes the Foreign Secretary, and sometimes the Colonial Secretary, according to the portion of Her Majesty's dominions in which the action of a military force was required, no argument could seriously be brought forward to show that the Secretary for the Colonies should continue in the anomalous and inconvenient position of being Secretary for the War Department. The Secretary to whom the civil administration of our numerous Colonies, with all their complicated interests, was intrusted, could not possibly give that attention to the efficient management and government of the Army, in a time of war, which the importance of the subject demanded. The noble Lord opposite (Lord Seymour) had stated with perfect and unanswerable truth that which he (Sir J. Pakington) could confirm from experience, namely, that the correspondence of the Colonial Department, taking only the colonial duties in it, was already too much by itself, and ought not to be mixed up with duties of a totally different nature. His right hon. Friend (the Secretary at War), when he referred to the business of the Colonial Department, and expressed an opinion that now we had given free institutions to many of our Colonies, the business of that department would partially diminish, could have but little idea of the amount of correspondence of that office, and he would ask the noble Lord opposite (Lord J. Russell), who had himself held the office of Secretary of State for the Colonies, if he was disposed to confirm the view the Secretary at War appeared disposed to entertain. He believed the right hon. Gentleman would then make the admission that certainly in the day about to arrive it would be unwise for the office of Secretary at War to be held by the Colonial Secretary. In a time of peace the Secretary of State for the Colonies might continue to act as Secretary at War, but he confessed that very frequently, during the time he held the office of Colonial Secretary, the thought had crossed his mind, "This may do very well in a time of peace, but, if ever we again encounter the misfortune of war, it will be impossible for the Minister of this department to carry on also the duties of Secretary at War." The House had been told to-night that George IV. was tired of so often signing his name, and he (Sir J. Pakington) thought any man who had held the office of Secretary of State for the Colonies would imbibe the same extreme dislike to so often signing his name. Much of the time of the Colonial Secretary was occupied in signing commissions, in attending to details of the Order of the Bath, and in other matters which would be much better transacted by some other department. In a time of peace it would even be wise to relieve the Colonial Secretary from these vexatious duties; but, in a time of war, he believed it would be impossible for any man to discharge both functions. In a time of war, with armies in the field, the duties of the War Minister must necessarily be greatly increased, and he appealed to the Government whether it would be possible in a time of war for the same individual to discharge the duties of Secretary of State for the Colonies, and also those of chief Minister for the War Department. The House was told that this was not a time for change. In 1837 a Commission reported that a change ought to be made; and why had it not been made then? Why, because it was a time of peace, and because it was then thought that nothing very pressing existed calling for a change. The country was now, however, unhappily involved in war, and still the House were told that a change must not be made, because it would be extremely inconvenient to have a change in a time of war. Thus, at one time because we were at peace, and at another time because we were at war, we were to be told that no change ought to be made. The country would not be satisfied to see a question involving the administration of so important a department—he would not say trifled with—but they would expect, and had a right to expect, that that department should be properly and efficiently conducted. With these views, he trusted the Government would seriously consider, if they really thought it would be unwise at this moment to organise a new department, whether some change might not be made, consistent with safety and prudence, that would relieve the Colonial Department of duties that they could not properly discharge, and adopt the suggestion of the noble Lord opposite by the appointment of a Secretary who might transact the war business of the country. In conclusion, he must observe that the right hon. Gentleman the Secretary at War had met the suggestions of the hon. Member (Mr. Hume) in a candid and fair spirit, and he had made the important admission that the present system was clumsy and bad, and ought to be changed. He (Sir J. Pakington), therefore, hoped that the House might trust to the discretion of Her Majesty's Government to make those changes as quickly and as effectively as they prudently could, at the same time adding a hope that the hon. Member for Montrose would not feel himself called upon to press his Motion to a division.

Mr. ELLICE said, he would also entreat his hon. Friend the Member for Montrose not to divide the House on this question. It did appear, however, that, if the Motion was pressed to a division upon the question whether the military administration of the country should remain on the footing upon which it now was, the Government would be left in a minority. At the same time, there was no concealing the fact that the impression out of doors, as well as the decisions come to in the Reports of every Commission and every Committee that had considered the subject, were, that it was impossible, in a rational country, long to continue a confused and perplexed administration like that the merits of which they were discussing. Take, for example, the department of the Commissariat. It was shown before the Committee to which reference had so often been made in the course of this discussion that civil officers in departments both of the Ordnance and Commissariat were doing almost the same duties in different parts of the world, that a Commissariat officer in Canada, for instance, was doing the duty that Ordnance officers were doing at home. Now, surely one of these departments might be made to carry into execution all the duties of the other. It would appear, however, that the opinions of Sir Charles Trevelyan exerted great influence over all Governments. No one had greater respect than he had for the talents and devotion to the public service of Sir Charles Trevelyan; but if the right hon. Gentleman the Chancellor of the Exchequer, who appeared to have adopted some of his views, would look into the evidence of Sir Charles Trevelyan before the Committee on Army Expenditure, he would see how ready he was to suggest plenty of business, though it was not always so clear how that business would be discharged. He remembered hearing Mr. Sheridan once say to Mr. Whitbread that he was so fond of labour that he thought, if he had been wrought in a dray belonging to his own establishment in Chiswell Street, he would have been for doing all the work of the dray-horses himself. It was pretty much the same with Sir Charles Trevelyan, who seemed equally fond of work, for he would take not only the Commissariat, but the whole banking business and emigration establishments of the country under the superintendence of the public. He must say, he thought it high time to begin the work of reformation with regard to some of these departments, and he was happy to find that his right hon. Friend the Secretary at War would not be a laggard at the work. It could not be denied, however, that great difficulty was experienced in moving some of our public departments. It was hardly necessary to remind the House of the communication which recently appeared from Mr. Guthrie, the surgeon, in the public press relative to *ambulances* for the wounded. He stated that he was unable to get any satisfactory result from his communications to the Commander-in-Chief and the Board of Ordnance; but no sooner did Mr. Guthrie state his complaints in the newspapers than the noble Duke at the head of the Colonial Office, with that good feeling and attention to the public service which distinguished him on all occasions, immediately attended to the communication, and issued an order upon the subject. Had it not been for Mr. Guthrie's letter in the public papers, however, the matter would, in all probability, not have been attended to. With regard to the system of clothing by the colonels, the Committee of which he and the hon. Member for Montrose were Members unanimously came to the conclusion that the clothing of the Army should remain as it was; but it did not follow from this that alterations should not from time to time be made in the system. No change in this respect could be determined on, however, except by a committee of general officers. All these matters depended on so many parties, that the consequence was a system of administration not to be found in any other country in the world. The right hon. Gentleman the Secretary at War said they wished to interfere with the duties of the three Secretaries of State. That, however, was not correct. No one wished to take from the Secretary of State the duty of providing for what was requisite within his own department. If the Secretary of State for the Home Department wanted troops for the interior service of the country, he ought still to have the power of obtaining those troops from some department competent to supply; and so also with the Colonial Secretary, if he desired to send troops to the Colonies. But what they wanted to see was the appointment of a reponsible department, to which all military authorities should report, and to which the Secretary of State should be able to say, "I want 20,000 men," instead of having to go for these 20,000 men to the Commander-in-Chief, to the Ordnance, the Commissariat, and he knew not how many other quarters. The great expedition just fitting out had been placed under the command of one of the best officers in the country, and not only so, but one of the best men of business in it. There would be no divided authority in that force. The noble Lord who commanded it would have the entire control of the Ordnance, the Commissariat, the paymasters, the doctors, and everything else. This was what ought to be, and what they wanted was, to see the same rule adopted with respect to the administration of all these departments at home.

COLONEL KNOX said, he must entreat the Government to take into their serious consideration the recommendations of the Committee some years ago to put the Ordnance under the same department with the war establishment. At present not even a gun could be removed from Woolwich without applications going from one office to another on the subject. He trusted that the right hon. Secretary at War would urge on the Ministry the necessity of bringing under one head the different departments of the Army. He thought it was rather late that, now that they were embarking a great number of troops on foreign service, the Government had not made up their minds as to what arms they should have. He hoped this would be at once decided upon, for uniformity of arms and ammunition was the mainstay of an army. If this was not attended to, it would lead to the most disastrous results. He thought also, that the Minié rifle ought to be looked into, as he had been told on good authority, that these rifles required, in connection with the ball and ammunition, a quantity of grease. In a warm climate there would be some difficulty probably on that score, and then, after a few rounds, the weapon would be rendered useless, as without the grease it was impossible to force the ball into the rifle. He threw out this suggestion for the consideration of the Ordnance department, as it was most important that the soldiers should be furnished with efficient arms.

COLONEL MAULE said that the soldiers had only been supplied with two sorts of arms, consequently there would only be two descriptions of ammunition. Various experiments had been made at the firing school at Hythe, and he could assure the hon. and gallant Gentleman that the result of these proved that there was not the slightest difficulty in firing or loading the Minié rifle.

LORD JOHN RUSSELL: Sir, I confess that my opinion as to the general evils of the present state of the war department is not very much altered from what it was when the subject was inquired into some time ago. As to the remedy which was then proposed, I have some doubts certainly with regard to a part of the authority which it was suggested should be given to the Secretary at War. I think that other arrangements might, perhaps, be better for the attainment of the object we have in view. At all events, I consider it is very clear from what has happened at various times—with respect more particularly to the Ordnance department, and the difficulty of making arrangements for the health of the troops—that a more efficient and more direct authority is required. My right hon. friend the Secretary at War has stated that he thinks the Ordnance ought to be more connected with the Secretary at War than it now is—that as the Secretary at War checks all the expenditure of the Commander in Chief, so he ought also to check the expenditure of the Ordnance. I believe if this were done, it would not only serve as a check, but the operations of the Ordnance department would be much facilitated and made more effective than they now are. It has been asked why it was that the Report of the Commission of 1837 has not been carried into effect. The reason was this: The first consideration of that report came naturally before Lord Melbourne, who was then the head of the Government and he immediately entered into a correspondence with the Duke of Wellington on the subject. The Duke of Wellington wrote two or three letters to Lord Melbourne who found that those letters contained many objections to the Report. They were chiefly objections of a constitutional nature, as relating to the functions of the Secretary at War. His Grace thought that certain things could only be done by the Secretary at War—that he was the proper person to take Her Majesty's pleasure, and to give directions to the Commander-in-Chief. These objections proceeding from so high an authority, and being enforced by able arguments, induced Lord Melbourne to think it better at that time not to take steps to carry out the Report. I quite concurred in Lord Melbourne's opinion, and would not have liked to be a party to enforce the new arrangement against the authority of the Duke of Wellington, who, on this point, entertained very decided objections. With respect to the arrangement now proposed, my right hon. Friend has explained the great difficulty and inconvenience that would arise from attempting to carry into effect a new organisation of the departments at a moment when they are all required to make the utmost exertions in the preparation of the expedition now on its way to the East. But there is one suggestion which has been made in this House that has already been taken into consideration, namely, the suggestion that there should be, and especially in time of war, another Under Secretary of State for the Colonial Department, and that that Under Secretary should be a military Secretary attached to the office of my noble Friend the noble Duke at the head of the War and Colonial departments. That suggestion has been already taken into consideration, and will, I trust, in a very short time be adopted. I believe it is necessary that some arrangement of that kind should be made to enable the noble Duke to carry into effect the preparations in which he has been so busily engaged. My noble Friend, having charge of the War and Colonial departments, has paid the utmost attention to all the arrangements which are necessary at this moment. Instead of its being a great public convenience, I believe it would be a great public inconvenience, if the carrying out of these arrangements were to be transferred to any other department; but I quite agree with my hon. Friend the hon. Member for Montrose, that better arrangements are required, and I am sure that the hon. Gentleman and the House will feel satisfied after the speech of my right hon. Friend the Secretary at War, that no want of attention will be shown to this subject.

Mr. HUME said that, after the statements which had been made to the House on the part of the Government, he would not at present persevere any further with his Motion.

Motion by leave *withdrawn.*

The House adjourned at a quarter before Twelve o'clock.

HOUSE OF LORDS,

Friday, March 3, 1854.

Minutes.] *Sat First in Parliament.*—The Lord Cloncurry, after the death of his father.

Public Bill.—1ª Registration of Bills of Sale.

STATUTE LAW CONSOLIDATION COMMISSION—

EXPLANATION—MR. BELLENDEN KER.

Lord LYNDHURST said, their Lordships would remember that a few days ago he put a question to his noble and learned Friend on the woolsack, with respect to the Commission issued some time back, for the purpose of considering the subject of the consolidation of the statute law of this country. On his arrival in town last night he was informed, for the first time, that in the course of the observations which he made on that occasion he was supposed to have intended to cast some reflections on the principal member of that Commission (Mr. Bellenden Ker). Now, he entertained the greatest possible respect for that learned Gentleman, from the knowledge he had of his talents, his varied information, his ability as a lawyer, and, above all, of his fair and honourable dealing on all occasions; and nothing could have been further from his intention than to make any insinuation or reflection regarding him. The charge to which he alluded was contained in an article in a morning newspaper (the *Morning Chronicle*) of the 16th of February. That article contained much abuse directed against that learned Gentleman, and concluded in these terms:—

"We have further sought to show that Lord Lyndhurst's pregnant caution in the discussion of

> last week had a meaning which it behoved the Lord Chancellor, in his answer, not to overlook or evade—above all, that he ought to have avoided every appearance of a personal participation in contrivances utterly unworthy of his character and station."

Now, the facts of the case were shortly these. He stated to his noble and learned Friend (the Lord Chancellor), and to their Lordships, that the Report of the Commissioners was directed to three purposes, and described three methods in which the consolidation of the statute law might be carried into effect; and his object in calling the attention of his noble and learned Friend to the subject was, in order that he might be informed, and that their Lordships and the public might also be informed, which of these three courses it was intended by his noble and learned Friend to pursue. In the course of his observations in putting that question, he referred to the history of former attempts to carry into effect a measure of this description. He said that measures of this kind had been introduced into Parliament by the Government, and had uniformly failed; and therefore he pressed most strongly that his noble and learned Friend would exercise the greatest vigilance and activity, for the purpose of preventing an additional failure on this occasion. That was the only observation directed to that point to which this article seemed to refer. The observation was entirely of a general character, and was addressed to his noble and learned Friend with the view to his exercising, on a subject of this importance, that vigilance which he was known to possess. He begged leave, therefore, to say that the imputation which he was supposed to have directed against the learned Gentleman in question was utterly without foundation.

THE LORD CHANCELLOR could only say that he had never heard of this matter until his noble and learned Friend alluded to it just now, and at this moment he did not understand what it meant. The learned Gentleman, Mr. Bellenden Ker, who, as the chief member of that Commission, suggested different modes by which that object—namely, the consolidation of the statute law—might be obtained, had been in constant communication with him, and they had had a great deal of discussion as to what was the best mode of effecting that object. The last Report pointed out what he (the Lord Chancellor) sanctioned as the best mode; and if there was any suggestion as to anything sinister, or anything behind the curtain, or not brought forward, or attempted to be concealed, he did not understand what it meant. Everything that was necessary had been made public, or was intended to be made public; and that gentleman on this, as on all other occasions, had shown the most perfect candour and gentlemanlike openness in all his dealings; and what the insinuation could be, or what could be meant, he was unable to conjecture.

PARLIAMENTARY REFORM—POSTPONEMENT OF THE GOVERNMENT MEASURES.

THE EARL OF DERBY: My Lords, I am induced, in consequence of certain rumours, and perhaps I may say somewhat more than rumours, which have acquired a good deal of force and consistency during the last week, to put a question to the noble Earl at the head of the Government, of which I have given him notice, and to which I hope he will have no difficulty or hesitation in giving an answer. My Lords, you will recollect that, in Her Majesty's Speech from the Throne, Her Majesty was advised to recommend to the consideration of Parliament in the course of the present Session the law affecting the representation of the people in Parliament; and that, at a very early period after the delivery of that Speech, the noble Lord the leader of the House of Commons gave notice in another place of his intention to bring in a Bill for the purpose of effecting a reform in the representation of the people. My Lords, both upon the occasion of that first announcement of this intention, and also upon a subsequent occasion, Her Majesty's Government were appealed to by friends and by foes, more especially by a noble Earl whom I do not now see in his place (Earl Grey)—and I believe in the other House of Parliament similar appeals were made—not to introduce, at a period when it was important that all the energies of the country should be concentrated in preparing for that great and formidable war, in which it was obvious to every one we were about to be engaged—not, I say, to distract the country by introducing a subject of bitterness and animosity, excitement and controversy, which would divide parties at a time when it was most important that they should be united. I believe the answer given in the other House of Parliament was, that Her Majesty's Government brought forward this measure in pursuance of a pledge which they were absolutely compelled to redeem. Now, if the noble Earl and his Colleagues had confined themselves to the introduction of the measure in redemption of the pledge which they had given—although I might have thought it was exceedingly imprudent to fling down before the country a measure of such importance without proceeding to its consideration—I certainly should have made allowance for the position in which the Government had placed themselves on a former occasion by pledging themselves, as one of the points on which they rested their claims to the confidence of the country, to bring forward a measure of Parliamentary reform. But, my Lords, Her Majesty's Government went further than this; for, appealed to, as I have said, by all sides of this and the other House of Parliament, not unnecessarily to enter into a conflict on so exciting a topic, and having the example set them in the other House by their opponents, of declining to enter into this matter of controversy, by allowing the Bill to be read a first time without opposition, and almost without observation, Her Majesty's Government thought it necessary to state that they brought forward this Bill not only in performance of this pledge, but that they considered the war which threatened to interrupt our foreign relations, not only formed no ground why the discussion, consideration, and enactment of that measure should be postponed, but that, on the contrary, there was a peculiar fitness in bringing it forward at this particular time—that it would be a magnificent spectacle to Europe and to the world to see that, while we were engaged in a war, which really after all could not be of very great importance with a Power like Russia, we were able at the same time—considering war a matter of secondary importance—to apply our undivided attention to the reform and improvement of our domestic institutions. That was the statement made on the part of the Government both in this House and in the other House of Parliament; and, accordingly, a day was fixed for the second reading of that measure of reform—an interval, I think, of three weeks or a month from the period when it was first introduced into Parliament—a period certainly sufficiently long to enable the country to form, as I think they have formed, a very decided opinion with regard to the merits of the proposition, and to give to Members of the other House of Parliament an opportunity of considering the course they ought to take. But, I confess that, although it is with great satisfaction, yet, after what has taken place, it is with some surprise, that in the course of the last three or four days I find rumours have been very rife, that a general expectation is entertained—notwithstanding all the peculiar propriety of this time for the consideration of the measure—notwithstanding the little influence which the state of our foreign relations need exercise on matters of domestic policy—that, after all, this measure of reform, on which the Government rest their claims to the support of the country, and which they brought forward in redemption of a most solemn pledge, given in the face of Parliament, is to be allowed to lie on the table of the other House of Parliament, and is not intended, at all events for the present, to be proceeded with. I think Her Majesty's Government have done very wisely if they have adopted the course of postponing, if not of abandoning for the present Session, this measure of reform. At the same time, it seems to me inconsistent with the declarations which they volunteered, and with the strong assertions they made, of the necessity, for their own character and for the advantage of the country, of pressing this measure forward; and, under these circumstances, I venture to ask the noble Earl opposite whether it is true that Her Majesty's Government intend to postpone the consideration of their Bill for the reform of the system of Parliamentary representation; and, if it be true, for what length of time the measure is to be postponed; and whether it is to be considered as a postponement or an abandonment of the measure for the present Session, or whether at a late period of the present Session a question of this kind is to be taken into consideration by the House of Commons; and, if passed by that House—of which I confess I entertain considerable doubts—it is to be sent up to your Lordships' House at a still later period of the Session, and at a time when, in all probability, we shall be engaged in a foreign war? I hope the noble Earl will not say this is a question peculiarly belonging to the House of Commons; for, although it may peculiarly affect the representation in that House, yet I think that neither the noble Earl nor any of your Lordships will consider that a question of making a material alteration in the representation, and, in point of fact, of the constitution of the country, is not a matter in which your Lordships are as deeply interested as the other House of Parliament itself. My question, therefore, is—whether it is intended to proceed, as was announced, with the consideration of the Reform Bill, or whether that Bill is to be postponed; and, if postponed, whether it is to be postponed for a period altogether indefinite, or for an indefinite period of the present Session?

THE EARL OF ABERDEEN: My Lords, although the measure referred to by the noble Earl is now before the other House of Parliament, and although my noble Friend who has charge of that measure will this night make a statement of the course intended to be pursued by Her Majesty's Government, and notwithstanding the Bill, as the noble Earl observed, relates mainly, or rather entirely, to the representation of the people in Parliament, I do not in the least complain of the noble Earl for taking the course which he has now thought proper to take. The interest and importance of this subject fully justify him in the course he has pursued, and I have no hesitation in giving him the answer which he desires to have. Your Lordships are aware that the second reading of this Bill now stands for the 13th day of this month. In answer to the noble Earl (Earl Grey) on the bench below me, at a very early period of the Session, I replied to the question put by him on that occasion, when he asked me whether the Bill would be introduced before the Army and Navy Estimates would be laid on the table, by stating that it would be so; and I also added that the consideration of the measure would not be hastily pressed, so as to interfere with the progress of the public service, in making those preparations which the exigencies of the time rendered necessary. My Lords, in consequence, the 13th March (although I believe the Bill was read on the 13th February for the first time) was fixed for the second reading. It would then have been before the country for a month. The noble Earl has said that the country has had a full opportunity of forming an opinion upon the nature of that measure. I know not what may be the opinion of the noble Earl, or what he supposes the opinion of the country may be; but this I say, that Her Majesty's Government have had no reason to be dissatisfied with the opinion of the country upon that measure, so far as it has been expressed. I believe it has found favour with the country; that it has been considered as a just, a liberal, and honest, and a safe measure. But, my Lords, although I admit that the calamity of war must necessarily interfere with all social progress, still I am not aware that it is absolutely necessary that this curse which we are to endure is to impede and utterly prevent all domestic improvement. My Lords, when I said, in answer to the noble Earl below me, that the necessary measures would be taken to provide for the public service, in contemplation of this calamity then impending, I gave that as a reason why the measure should not be immediately proceeded with; and that reason I now repeat. I see that the necessary supplies have not yet been passed for the service in which we are about to engage. This very night a vote will be proposed for an additional 15,000 men; and on Monday, as my noble and learned Friend opposite (Lord Brougham) has observed, the financial prospects and measures of the year for providing for this increased expenditure will be laid before the other House of Parliament. Her Majesty's Government have thought it right, not only to provide a sufficient force for the great operations in which we may be engaged, but to provide the means by which the expense of that force may be defrayed. This I think it is the duty of Government to do, and this it is which we propose to do. Under these circumstances, therefore, my noble Friend, who has the charge of this Bill, will propose to-night to postpone the second reading of the measure until an early day after Easter—that is, until the 27th of April. On that day it is the intention of my noble Friend to move the second reading of the Bill.

LANDLORD AND TENANT (IRELAND) BILLS—

THE SELECT COMMITTEE.

THE EARL OF CLANCARTY: My Lords, although I may congratulate the House upon the result of the conversation this evening, by which the assistance of the noble and learned Lord (Lord St. Leonards) has been secured to the Committee appointed to consider and report upon the Irish Land Bills, it is with much regret that I find myself under the necessity of proceeding with the Motion of which I yesterday gave notice for the appointment of certain Irish Representative Peers to serve upon that Committee, there being at present appointed but two out of the twenty-eight who have seats in this House. I had hoped that Her Majesty's Ministers, when I yesterday brought this subject under their notice, would have offered to reconsider the construction of the Committee; but the slight they have put upon the Irish Peerage now appears to have been intentional. The Bills which the Select Committee have to report upon relate exclusively to Ireland, and, in fact, are of no interest to any other part of the empire, provided they do not involve the establishment in Ireland of any new principle in the relations between landlord and tenant that might affect the stability of those laws and customs relating to the tenure of land under which this country and Scotland have attained to so prosperous a condition. On this account, I fully admit that the assistance of some English and Scotch upon the Committee would be of great value and importance. The Committee, as at present composed, I am bound to say, is, in one respect, most satisfactory, including as it does two most eminent law Lords. The noble Lord, late the Lord Chancellor of England, held for many years the Great Seal in Ireland, where his abilities in the discharge of his high functions were not unappreciated; and, as Lord Chancellor of Ireland, he was the landlord of a large number of estates under the guardianship of the Court of Chancery. The Lord Chief Justice of England will bring to the consideration of the amendment of the laws relating to land in Ireland, not only an intimate acquaintance with the law of Scotland, of which he is a native, and of the English law which he is charged with administering, but also of the law of Ireland, where he, too, formerly presided over the Court of Chancery. He has also become of late very practically acquainted with the working of the law of landlord and tenant, having purchased a considerable estate in a remote and most unimproved part of the west of Ireland. Aided by the experience and judgment of these two noble and learned Lords, the Committee could not have the legal element better provided. With respect to the other English and Scotch Peers who are named upon the Committee, I do not for a moment question their high talents and ability to deal with any legislative measures that may be submitted to them; but, I must say, that as the questions to be considered relate exclusively to Ireland, a part of the United Kingdom with which they are but little acquainted, and have no great concern, their number is out of all proportion to that of those who in this House are best entitled to be consulted upon Irish interests—I mean the Representative Peers of Ireland. Looking at the constitution of the Committee, your Lordships will find that of the twenty-one members, there are but two Irish Representative Peers; while of Peers wholly unconnected with Ireland there are no less than eight; of the remaining members of the Committee, five have property in Ireland upon which they do not reside—they are, in fact, absentees, and commonly reside in England, where their property and interests chiefly lie; and six are what may be termed resident Irish landlords. Now, my Lords, I would appeal to your Lordships whether such ought to be the constitution of a Committee for the consideration of Bills relating exclusively to Ireland. I should like to know what the noble Duke the Lord Privy Seal (the Duke of Argyll) would say if, upon interests exclusively Scotch, only eight Scotch Peers were admitted upon a Committee of twenty-one. My Lords, I am far from saying that the marked preponderance of English influence upon this Committee would be exercised otherwise than with the best intentions towards Ireland. I am not disposed to think that any purpose exists of keeping Ireland from rising to her proper level as a civilised and well-ordered country; but past experience does not warrant me in saying that English counsels in Irish affairs are always well directed, however well intended. The condition of Ireland—though, thank God, in some respects improving—is lamentably illustrative of the want of a wise direction in the framing of her laws and institutions, which have all emanated from counsels essentially English. Not to speak in general terms, I may refer to a somewhat recent case in illustration of my argument. At the occurrence of the late famine in Ireland, measures were taken with the best intentions to meet that calamity, but no measures could have been worse devised for such a purpose. They proved most injurious, and, indeed, ruinous to the country; and, instead of lessening, actually aggravated and prolonged the evil of scarcity, by withdrawing from agriculture to work upon the public roads those whose labour was essential to the cultivation of the land. These measures were adopted, my Lords, with the best intentions, but in the face of Irish remonstrance and representations of the course that ought to have been taken, and which, if taken, would have been permanently serviceable to the country. Again, my Lords, I am reminded of another case by the conversation that occurred yesterday in this House relative to the Poor Removal Act. The Irish Poor Law was considerably extended in 1847, securing, as was right, relief to the destitute from whatsoever country they might come; but in the same year was passed the Poor Removal Act, by which any Irish who became destitute in England, are at once shipped off to the nearest Irish seaports. English or Scotch settlers who may become destitute in Ireland, must be supported at the charge of the Irish ratepayer; but the Irishman, who may have spent the best part of his life in England, and given his strength and labour for the augmentation of the wealth of the English manufacturer, and whose family, born and reared in England, he may have considered as naturalised in the country, if from age or accident he becomes helpless and in need of relief, is then driven from the inhospitable shores of England to find refuge with his family in an Irish workhouse. Were Irish Members consulted on this Act? No. I, myself, protested, but in vain, against it in this House. Its glaring and now acknowledged injustice did not prevent its passing; and it still continues in operation. Cases, such as I have noticed, are not calculated to beget confidence in the treatment of Irish interests, when there is an exclusion of those who are constitutionally chosen to represent the interests of Ireland; and, looking at the construction of the Committee, I do not think it much better entitled to the confidence of the country in the consideration of interests wholly Irish, than Her Majesty's present Cabinet. Therefore, whatever respect I feel for English counsels in general, and, however desirable it is that they should have their due weight in what relates to Ireland as an integral part of the United Kingdom, I cannot allow them to have a preponderating weight in the Committee upon the Irish Land Bills, unless the House, by negativing my Motion, should declare that so it must be. To me, it appears that, apart from the valuable assistance the Representative Peers of Ireland could afford upon such a Committee, they ought constitutionally to be placed in the position of accepting the responsibility of such measures as the Committee may ultimately recommend; and that their exclusion cannot be justified, let me remind your Lordships of the understanding upon which it was agreed to have these Bills referred to a Committee upstairs. My Lords, at the close of the last Session the Bills were put by upon the express understanding that the consideration of them should be entered upon early this Session, and that, however objectionable any of them might be, your Lordships should acquiesce in the second reading of them, in order that they might be fully discussed in a Committee to be appointed for that purpose. Now, my Lords, I am aware that several Representative Peers did come over expressly to take part in the deliberations upon these Bills, and that, in the discussion upon the second reading, very little was said upon their respective merits, except by my noble Friend who opened the debate, because it was the understanding that the Bills were elsewhere to be debated. Do your Lordships then think that Irish Peers would come all the way from Ireland to attend this House merely to acquiesce in the second reading of the Bills *pro formâ?* My Lords, if such was their only object, if they had known that the doors of the Committee were to have been closed against them, they might better have stayed away. The course taken in the House of Commons was very different; the Committee was there extended to twenty-eight Members, of whom twenty were Irish representatives, and two were by title and property connected with Ireland, I mean Lord Palmerston and Lord Monck, leaving but six English Members; whereas here it is proposed that the Irish element upon the Committee should be in a very small minority. I think, my Lords, I have made out a case to warrant your Lordships in acceding to my Motion, that the Peers' names set forth in my notice should be added to the list of the Committee. It is not to be a judicial Committee, or one for the purpose of mere inquiry; but it is to be practically a legislative Committee, and, as such, there is no reason why the number to serve on it should be limited to twenty-one. Of the Peers whose names I have to propose, they were, with the exception of the Lord Clonbrock, all present at the debate on Tuesday last. I ventured to propose the name of Lord Clonbrock, although not at present in London, as the Marquess of Sligo has been proposed in his absence by the noble Duke. The Lord Clonbrock has peculiar claims to serve on the Committee, as an excellent landlord intimately acquainted with the relations between landlords and the various classes of tenants in the west of Ireland, and one who has taken a leading interest in the agricultural improvement of Ireland, as one of the founders of the Royal Agricultural Society in that country. Of the Earl of Desart I need hardly say that he, too, has peculiar claims to be upon the Committee. The part he took in the late debate manifested both his desire to serve, and his ability to render valuable service in the consideration of a subject to which he had given much attention; and, besides his qualification as a Representative Peer, the part he so often takes in the proceedings of the House, together with his practical acquaintance with the forms and details of public business, acquired while in office under the late Government, should have at once pointed him out as one who should, of right, have been placed upon the Committee. It only remains for me to move, in the terms of my notice, that the Earl of Desart, the Earl of Glengall, the Lord Clonbrock, the Lord Crofton, and the Lord Castlemaine, being Representative Peers of Ireland, be added to the Select Committee on the Landlord and Tenant (Ireland) Bills.

THE DUKE OF NEWCASTLE said, that it was always invidious to make any objection to the addition of names to a Committee, and he was sure their Lordships would acquit him of being influenced by any personal objections to any of the noble Lords whom it was now proposed to place on the Committee; but he thought that the number of the members of the Committee should not be increased beyond what the forms of the House sanctioned; indeed, he only doubted whether the Committee was not even now too large for the investigation of such a subject. There was no foundation for any charge of unfairness in the selection of the Committee, because the names had been submitted to and approved by the noble Earl opposite (the Earl of Donoughmore), who had charge of some of the Bills referring to it. The noble Earl had said that only two of the Irish Representative Peers were placed upon the Committee; but surely he did not mean to say that the fact of a noble Lord being a Representative Peer rendered him more able to discuss questions of this kind than any other Member of their Lordships' House connected with Ireland? And how, then, did the case stand with respect to the selection of Peers who were connected with Ireland? Out of the twenty-one members of the Committee, thirteen were connected with the land of Ireland; and when the noble Earl objected to having eight English and Scotch Peers there, he (the Duke of Newcastle) must reply that he considered it absolutely necessary to have there men who had given attention to cognate subjects to those embraced in the Committee's inquiries, but whose personal interests were not involved in the decision that might be arrived at. His only fear was, not that the English and Scotch element in the Committee was too large, but that it was not large enough; and he could not therefore assent to the Motion of the noble Earl.

THE EARL OF EGLINTON said, that the Committee appeared to him to have been remarkably well and fairly chosen. At the same time he thought it would be very unwise to allow the people of Ireland to suppose otherwise; and therefore, after the observations of the noble Earl, he would suggest to the Government, that they should either add to the Committee two out of the five Irish Peers whose names had been mentioned, or should substitute them for two of the English or Scotch Peers at present nominated.

THE EARL OF DONOUGHMORE said, that he found no fault whatever with the selection of the Committee; but, though he considered that Ireland was fairly represented upon it, he might observe that, as there were twenty-eight legitimate representatives of that country in the House, it would only be paying proper respect to them if they were asked to assist in deliberations which so materially concerned the interests of Ireland. He hoped the noble Lord would not press his Motion, but he agreed in the suggestion of the noble Earl who had just spoken, as to the addition of two of the Peers who had been proposed.

LORD ST. LEONARDS appealed to the noble Earl not to press his Motion, which, he observed, was obviously opposed to the feelings of both sides of the House.

On Question, *Resolved* in the *negative*.

JUVENILE CRIMINALS.

THE EARL OF ELLESMERE presented a petition from the Justices of the Peace for the City of Manchester, praying for the establishment of Reformatory Institutions for Juvenile Criminals. The noble

Earl said he knew of no subject of greater or more pressing importance than that to which the petition related. The petition was not very numerously signed; but he believed that the persons who had signed it concentrated amongst them as much intelligence and as much knowledge of the subject as could be found in any similar body of men. There was, indeed, no community which had a larger experience of juvenile delinquency than that of the city of Mancester. The nineteen signatures to the petition included those of the late and present chief magistrate, and of Mr. Maude, the present stipendiary magistrate, who, from having filled that position for several years, must necessarily have acquired great knowledge of the subject. The petitioners expressed their belief that, while the most effectual means of checking crime consisted in the general diffusion of education amongst the ignorant classes, a good deal might still be done in the case of juvenile delinquents by substituting for imprisonment in the ordinary gaols a course of reformatory discipline and moral and industrial training in institutions established for the purpose. In that opinion he (the Earl of Ellesmere) concurred; and he also believed that the best means for the prevention of crime consisted in the general diffusion of education. If, indeed, he had had any doubt upon that subject it must have been removed by the visit he had recently made to America. It was impossible after visiting that country to underrate the effect of a comprehensive system of education in enabling parties in all ranks of life to provide the means of obtaining an honest livelihood, and in thus neutralising the great temptation to crime. At the same time, he must express his belief that not even in America, where education had assumed a more diffused and comprehensive shape than in any other part of the world, did it reach the particular class of juvenile delinquents who were particularly referred to in this petition. He believed that he was not uttering anything disparaging or disrepectful to the United States when he said that, in spite of the general diffusion of education there, the streets, nevertheless, swarmed with juvenile delinquents, who, availing themselves of the liberty allowed to every one in that country, refused to avail themselves of the means of education that were there thrown open to every one. He must also say, and with still greater regret, that if we were to wait for the establishment of reformatory institutions until education should be as generally diffused in England as in the United States, we would have to wait for a very long time; for he very much despaired of being able at any early period to establish a more general and comprehensive system of education than that which now existed, and which was originated under the auspices of the noble Marquess on the Treasury bench (the Marquess of Lansdowne). He attributed to that system as it was worked by the Government and the Privy Council, the very best effects as far as it went. Still he believed that we could not look to an enlargement of that system as the means of diffusing education throughout the country. It had already raised both the quality and the amount of the education given; but he certainly could not hope from it anything like the diffusion of education which now existed in the United States. If, however, the experiment they made upon a small scale were successful, schemes of a similar character might be carried to a greater extent, and they might finally proceed to legislate on the subject. If they wished to see an instance of the effect of a reformatory system of discipline, they would find one within a few hundred yards of their Lordships' House. That was an establishment, not for juvenile offenders, but for those with whom it might be thought much more difficult to deal, persons who had taken degrees in crime. The establishment to which he referred was assisted by a noble Earl (the Earl of Shaftesbury), who took so great a part in every philanthropic institution, and was managed under the auspices of that remarkable man Mr. Nash. From that establishment they might derive encouragement that such reforms were not impossible when a good system was applied for the purpose. The subject was much too large—and there would be other opportunities for referring to it—to be discussed on the presentation of a petition; but he thought he should not do his duty to the parties whose claims to their Lordships' attention he sought to enforce, if he did not draw the attention of the Government to the subject.

Petition read, and ordered to lie on the table.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 3, 1854.

MINUTES.] PUBLIC BILLS.—1° Education (Scotland).

2° Consolidated Fund (£8,000,000); Commons Inclosure.

PRIVATE BURIAL-GROUNDS—QUESTION.

MR. APSLEY PELLATT asked the Secretary of State for the Home Department, whether proprietors of private burial-grounds recently closed by the peremptory orders of the Government, are entitled to compensation, and, if not, what are the reasons for refusal? Whether any and what steps have been taken to secure the books of registry of the names of persons who were buried in private burial-grounds prior to the passing of the Act 6 & 7 *Vict.*? Whether the remains of the deceased, now lying in private burial-grounds, will have a legal guarantee against disturbance or removal?

VISCOUNT PALMERSTON: With respect to the first question of the hon. Gentleman, as to whether the proprietors of private burial-grounds are entitled to compensation, I have to say that the Act of Parliament, under which public or private burial-grounds are closed, does not provide any compensation, and it does not occur to me that any should be given, because the only ground upon which those places were ordered to be closed is, that they have become public nuisances and dangerous to the public health, in consequence of the multitude of dead bodies deposited in them. I cannot, therefore, see that these parties, whether parishes or private individuals, who have so managed their graveyards as that they have become public nuisances can be entitled to compensation. With regard to the disinterring of bodies, I have taken the opinion of the law officers of the Crown on the subject, and they have informed me it would be a misdemeanor for anybody to remove the remains of a person buried in a grave without the consent of the relatives and the parties interested, and in one case where it has been attempted to remove the remains from one graveyard that had been closed, steps had been taken to obtain an injunction to prevent such removal. With regard to securing the books of registry of the names of persons buried in private grounds, I have to remind the hon. Gentleman that, since the passing of the Act of William IV. called the General Registration Act, the death is registered, and not the burial. Previously to the passing of that Act, the registration of burials in private grounds was not received as evidence in courts of law, the registration of parish burials alone being admissible in court as evidence; but since that Act the registry of death, no matter where the burial takes place, whether in public or private ground, is evidence of the death, and not the registry of the burial. No steps have, therefore, been taken with respect to the books of registry of burials in private graveyards, because before the passing of the Registration Act they are of no value as legal evidence, and since that time they have not been required as evidence.

MR. T. DUNCOMBE asked if the noble Lord intended to bring in a Bill to prevent the forcible removal of bodies from graveyards without the consent of the parties interested; and, also, whether he would bring in a Bill to prevent the proprietors of those graveyards from building upon them after they had been closed?

VISCOUNT PALMERSTON said, he had already stated that, in the opinion of the law officers of the Crown, the forcible removal of the remains of persons buried in these graveyards was a misdemeanor, and, therefore, he did not conceive it was necessary for him to bring in a Bill on the subject. With regard to the second part—the ultimate disposal of the ground—that was a matter still under his consideration, and, if he should find it necessary to frame a Bill, he should do so at the earliest opportunity.

SALVAGE BY H. M. SHIPS—QUESTION.

MR. SANDARS asked the First Lord of the Admiralty what orders had been issued to the captains of Her Majesty's vessels in respect to the assistance to be rendered to British vessels in distress at sea; and whether the masters or seamen who do render assistance to such vessels are allowed to make any charge beyond the expenses incurred by them in rendering that assistance?

SIR JAMES GRAHAM said, that the general order of the Board of Admiralty respecting salvage on the part of the Queen's ships was laid upon the table of the House last Session. Under that order, officers and seamen of the Queen's ships were directed to render every assistance to distressed merchant vessels. By an Act passed last Session, all claims on the part of the officers and men of the Queen's ships for rendering that service must first receive the sanction of the chief officer on the station, and be confirmed by the Board of Admiralty, before they could be prosecuted in a court of law; and this sanction was never given unless, in the opinion of the Admiralty, the services rendered had been really important, and had been attended with danger to life. As an instance of the views which the Board of Admiralty entertained on the subject, he might state that within the last three months a claim had been put forward for having towed a disabled steamer belonging to the port of London a distance of 1,200 miles, on the coast of Africa. Although there could be no doubt that this was an important service rendered, still, as it was not attended with danger to life, the Admiralty had refused to allow the claim for salvage to be instituted.

PARLIAMENTARY REPRESENTATION BILL—

POSTPONEMENT OF THE GOVERNMENT MEASURES.

Lord JOHN RUSSELL: Sir, in making the very usual Motion that the order of the day for the Second Reading of a Bill be read, for the purpose of its being postponed, I am about to adopt the unusual course of making some explanation of the reasons why I propose to take this step. It is due to the House, after what has taken place upon the subject of the Bill for the Amendment of the Representation of the People in England and Wales, and due especially to those hon. Members of the House who are earnestly desirous of a further amendment of that representation, that I should explain the reasons why I am about to propose to postpone the second reading of that Bill, which stands for the 13th of March, to another day. The House will recollect, that when Parliament assembled, it was considered as most probable that we might soon be involved in hostilities, though no certainty upon that subject could be affirmed. Her Majesty was pleased, in addressing this House, to recommend to our consideration the further amendment of the state of the representation of the people, and Her Majesty was graciously pleased to say, "In recommending this subject to your consideration, my desire is to remedy every cause of just complaint, to increase general confidence in the Legislature, and to give additional stability to the settled institutions of the State." It was in conformity with that recommendation of Her Majesty that on the 13th of February I moved for leave to bring in a Bill for the purpose of amending the representation of the people. I will not enter now—it is no part of the subject of to-day—into the merits of that Bill; but I may say that, having introduced it, I fixed a day for the second reading of that Bill at an interval when I thought the House might be able to give its attention to the subject. I did not say, however, that that day was positively fixed for the second reading—of course I reserved to myself the discretion of naming another day; but soon after that day was fixed, the hon. Baronet the Member for East Kent (Sir E. Dering) gave notice of a Motion for an Amendment on the second reading of the Bill, to the effect that in the present state of our foreign relations the proceeding with that Bill for the Amendment of the Representation would be inopportune. I did not know at the time what was the hon. Baronet's object in giving that early notice, but it certainly seemed as if his notice was rather in hostility to the Government than to the Bill itself, for there was nothing in that Amendment which seemed to imply a disapproval of the Bill. However, Sir, after a short time had elapsed, Her Majesty's Government had seriously to consider what their own course should be, and whether it would be convenient for the House to proceed with that Bill upon the day which I mentioned. Now, Sir, there are two considerations upon this subject to which I beg to call the attention of the House—one is the state of public business, and the other the state of our foreign relations at the present time. With regard to the state of public business, I conceive that it is our duty, the duty of the Government, after the announcement we have made, and in the state of our foreign relations, as shown by the despatches which have been laid before Parliament, to ask, in the first place, for all the supplies which we might think necessary for the public services at the present time; and, in the second place, to obtain those ways and means by which we should ascertain how the State will be best able to defray the expenditure which may be called for. With regard to the first of those requisites, the House has shown such willingness to vote the supplies which have been stated to be required, such a devotion to the public service, that there has been no difficulty on that subject, and no time has been taken up greater than is necessary for that purpose. With regard to the second point, it has yet to be ascertained—for it will only be on Monday night next that my right hon. Friend the Chancellor of the Exchequer will state the views which the Government entertain of the present state of the finances of the country, and the measures which he thinks are necessary to the public service and the maintenance of public credit. Such, therefore, will be, next week, the state of public business; and it seems to imply that the Bill for the Amendment of the Representation of the People could hardly come on on the 13th of March, consistently with the object of obtaining both the supplies necessary for the public service and the ways and means necessary to defray the increased expenditure. But, although the Bill might not come on upon that day, it would be certainly in our power to fix a day somewhat later upon which the second reading might be proceeded with. But here I have to ask the attention of the House to that which must, in all probability, be our position with regard to our foreign relations when that day should arrive. I can hardly think I am revealing any secret to the House—for it has been announced in the public papers these two or three days —that, at the end of last month, a messenger was sent to the Court of St. Petersburg with despatches from the Governments of England and France, relating to the occupation of the Principalities of Wallachia and Moldavia by Russia. For a very long period that occupation has been acquiesced in, with a view of carrying on negotiations by which their evacuation might be made a stipulation of a treaty of peace. These negotiations, unfortunately, after a very long period during which they have been carried on, have led to no result; and the Conference at Vienna has positively declined the only terms upon which the Emperor of Russia declares himself ready to treat. We could, therefore, no longer permit this wrongful occupation of the territories of Turkey by Russia to be continued; and the Governments of England and France have therefore signified to the Emperor of Russia that they shall consider his continued occupation of those Principalities beyond a certain period, necessary for carrying that evacuation into effect, as equivalent to a declaration of war. Calculating, then, the time which is necessary for the transmission of these despatches to St. Petersburg, and supposing that the Emperor of Russia, having already declared that he will listen to no terms other than those which he himself has laid down, continues firm to that determination, his negative answer will reach this country in about twenty-five days from the time when the message was sent; and, therefore, towards the end of this month it would be the duty of the Ministers of the Crown to bring down a message to the two Houses of Parliament from Her Majesty, declaring in the usual terms that the relations of peace between this country and Russia no longer exist. If such be the probable, and, I am afraid I must say, the almost certain course which events will take, I think Her Majesty's Government cannot be wrong in deciding that, at this particular moment, when such a message is either on the eve of being brought down, or is under discussion, or has been actually delivered, it would be hardly possible to deliberate with due consideration on a measure relating to a question of such extent and importance as the amendment of the representation. I cannot but think that, such being the case, it will be better to postpone the consideration of the Reform Bill to a future day:—but when I say to a future day, I entertain a hope that, when that day comes which I shall propose to fix for the second reading, there may then exist such a state of affairs as will enable the House calmly and deliberately to consider the Bill. On the other hand, it would be the height of imprudence if I were to say that, on the day which I shall name, the business must infallibly come on, even though a state of things were to arise which would make it highly desirable again to postpone the Bill to a further future day. I, therefore, Sir, can only ask this House to give me the power of fixing a day on which I can proceed with the Bill, of course leaving it still in the power of the hon. Baronet the Member for East Kent, or any other Member of the House, then to interpose any objection to its further progress which he may think fit. I have already stated I do not think that a condition of war should, in itself, be a sufficient reason for not proceeding with the consideration of any subject of this sort. I will only say that the postponement which I shall propose will enable the Government to mature and introduce the Bills for the amendment of the representation in Scotland and Ireland before the second reading of the Bill for England. The day on which I propose to proceed with the Bill for England and Wales is the day immediately following the Easter holidays—for it would be obviously inconvenient to take up such a measure only a few days before the Easter holidays, for it to be laid down again and the discussion interrupted during that interval—and I propose, therefore, now to fix the second reading of the Bill for the Amendment of the Representation of the People in England and Wales for Thursday, the 27th of April next.

SIR JOHN SHELLEY rose to express his deep regret at the course which Her Majesty's Ministers had thought proper to pursue upon the present occasion. He thought it was right the House and the country should know the precise position in which they stood with respect to this great question. The noble Lord had referred to what had taken place in an earlier part of the Session; but he (Sir J. Shelley) also begged to recall to the recollection of the House what the noble Lord said on a former occasion, when he was subjected to a pressure in reference to this question. The House would recollect that the noble Lord then stated that the best time for introducing a measure to amend the representation of the people was when the public mind was quiet, and not agitated upon the subject; but on the night on which he introduced the Bill, in answer to what fell from the hon. Member for Liverpool (Mr. Liddell), the noble Lord declared that there was nothing in the present state of public affairs, even supposing we were at war, which should serve as a reason for postponing a measure of this kind. Well, then, he wished to know what had occurred since to induce the noble Lord to postpone the Bill? But that was not all; last year the noble Lord pledged his word that Her Majesty's Ministers, in the course of the present Session, would introduce a Bill for the reform of the representation of the people. That promise, coming as it did from a man of character and consistency, was believed and confided in by the country; but now the noble Lord came forward at the last moment, within seven days of the day on which he had originally proposed to proceed with the second reading of the measure, and informed the House that its further progress must for the present be postponed. What had occurred since the introduction of the measure to induce the noble Lord to break the promise of himself and his Colleagues? He (Sir J. Shelley) feared that the professed postponement of the Bill till after the Easter holidays really amounted to a virtual abandonment of it. Such, at all events, was his opinion of the course which the noble Lord had pursued; and he did think the House and the country had some right to complain, and were entitled to ask the noble Lord whether it was really his intention to take the sense of the House upon the Bill in the present Session. Nobody seemed to object to the principles of the measure. The noble Lord had very truly said that the Amendment of the hon. Member for East Kent did not refer to the merits of the Bill itself, but merely set forth that the present was not a proper time for going into the question of Parliamentary reform. There could be only one reason, therefore, for the refusal of the noble Lord to proceed with the Bill, and that was, because he was afraid of being placed in a minority if he pressed the Bill to a division. Now, he would take the liberty of saying that it was the duty of the noble Lord, after the pledges he had given, to proceed with the Bill, let the consequences be what they might; but should the noble Lord persist in breaking all the promises he had made to the House and the country, it would be difficult to believe that the whole thing had not been a sham from the beginning to the end, and that the reformers of England had not been completely bamboozled by Her Majesty's Ministers. He was afraid there was no one now on the Treasury bench who felt so strongly upon the measure as to be willing to run the risk of being put into a minority. For one, he could only say that the decision of this question now rested with the people of England. There were principles in the Bill which the reformers of the country had hailed with great satisfaction. It did not, indeed, go far enough for some of them; but it was—not a step—but a stride in the right direction, and those who had advocated the cause of an extension of the franchise for years, could scarcely, he thought, be satisfied with what would be universally regarded as a virtual withdrawal of the measure. When he was told that there had been no excitement in favour of this Bill, his reply was that the excitement and agitation should have come from the other side. If it was true, as avowed by hon. Gentlemen opposite, that a large portion of the nation objected to the principles of the Bill, why did they not get up public meetings against it? He could tell them, that if they had done so, they would have seen plenty of excitement displayed in its favour. It seemed to him, however, that the country, unlike the noble Lord and Her Majesty's Ministers, had pursued a straightforward and dignified course. The people had shown confidence in the Government, and had never doubted for one moment that the noble Lord would fulfil the pledges he had given. For his own part, up till yesterday, he firmly believed that the noble Lord would move the second reading of the Bill on the 13th instant, and he never supposed for an instant that the noble Lord, after all that had occurred, would give up the measure, in order to avoid being placed in a minority in that House. Did the noble Lord imagine that the country would be satisfied with so trivial and paltry an excuse as that? If the noble Lord was afraid of being placed in a minority by those Members whom the Bill deprived of their seats, why did he hesitate to appeal to the country, and ask their opinion upon the subject? The mere circumstance of a majority of the House being opposed to the Bill, if that should prove to be the fact, ought not to be a sufficient reason for the noble Lord refusing to press the Bill to a division, because he could appeal from the majority of the House to the majority of the country. It could not but be supposed that there were hon. Members in the House who had spent a great deal of their money and their time in obtaining their seats in the House, who, seeing that the Bill proposed to disfranchise their constituents, would oppose it with all their might; but their opposition ought not to make the noble Lord waver in the performance of his solemn pledges to the subject of Parliamentary reform. He (Sir J. Shelley) was assured that the conduct of the noble Lord on this question would have a tendency to shake the confidence of the country in Ministers of the Crown, whoever they might be. In the name of the reformers of England, he wished some Member of the Government to say whether or not they really intended to proceed with a measure for reforming the representation of the people? Was it their intention, in fact and in truth, to proceed with this Bill immediately after the Easter holidays, without setting up any excuse about war, or any other subject which had nothing to do with this question? The country anxiously awaited an answer to that question.

Sir EDWARD DERING said, it was not his intention to have trespassed upon the attention of the House, but he must ask leave to make a few remarks, in consequence of the observations which have fallen from the noble Lord. The noble Lord, in the explanation which he had just offered to the House, stated that he did not know what intention he (Sir E. Dering) had in placing the Resolution of which he had given notice upon the paper. Now, he was extremely anxious that the object of that Resolution should be clearly understood. So far from having any desire to obstruct the progress of reform, there was no man in that House who was more ready or more willing than himself, at the proper time and opportunity, to consider in a liberal spirit a large and—provided it be sound—he cared not how comprehensive a measure of Parliamentary reform. But the object of the Resolution of which he had given notice was this—to draw the attention of the House to the time at which and the circumstances under which that question was about to be introduced to their notice. The objections which he entertained to the Bill would be equally applicable to any other large measure, of whatever character, that would be likely in its progress through the House to give rise to serious and violent differences of opinion. He should bring forward his Resolution upon public grounds alone; and he wished it to be distinctly understood that he brought it forward as an independent Member, totally unconnected with either of the great political parties in that House. He might add that he felt greatly encouraged to persevere in the course which he had considered it his duty to pursue in consequence of having ascertained beforehand that that course was strictly in accordance—whatever his hon. Friend the Member for Westminster (Sir J. Shelley) might say—with the voice of public opinion both within and without the walls of that House. It might, perhaps, be convenient to the House that he should take that opportunity of stating, that when the noble Lord moved the second reading of his Bill, it was his intention to move as an Amendment a Resolution to the same effect as that of which he had already given notice.

Lord ALEXANDER LENNOX apprehended that the statement of the noble Lord the Member for London would be received in the country with mingled feelings of satisfaction and regret. With satisfaction that the country would be saved the irritation and discord which must necessarily accompany the discussion of a measure so important as Parliamentary reform; for, although he believed it was generally admitted on both sides of the House that the greatest apathy existed on this subject, yet it was idle to suppose that a subject so closely affecting all classes and all interests could fail to produce that excitement which we all professed so much to deprecate:—with regret that the Government of this country, with all the importance and dignity which ought to belong to it, should so trifle with Parliament and the country. For it must be remembered there was a wide difference between an agitation produced by itinerant demagogues and an agitation of which Her Majesty's Ministers condescended to place themselves at the head. This Reform Bill was the result of that compromise of principles which, in Government phraseology, was termed coalition. The tone of the speech of the noble Lord in introducing his Reform Bill was almost that of a funeral oration. The Bill had lain in State now for nearly three weeks. Its obsequies had taken place that night. The noble Lord the Member for London had attended as chief mourner, and probably the noble Lord the Member for Tiverton would assist as mute at this mournful ceremonial. The only way of accounting for this new system of postponement was, that the Government were aware that, like a spinning-top, if they stood still they must fall. If their proposing the most important measures, and proposing them advisedly, and then withdrawing them on the most trivial grounds, were the principles upon which Her Majesty's Government intended to proceed, then no wonder that in their projected Reform Bill they had endeavoured to make appeals to their constituents few and far between, and to make themselves as irresponsible as possible to public opinion.

MR. LABOUCHERE: Sir, I am induced to trespass upon the attention of the House for a few moments, in consequence of the speech which has been addressed to it by the hon. Baronet the Member for Westminster (Sir J. Shelley). Sir, I believe I have been a reformer quite as long as he. I believe I have had opportunities of observing the conduct of the noble Lord the Member for the City of London much more nearly, and much more closely, than the hon. Baronet ever had; and if he will permit me to use the privilege of age and experience in giving him any advice upon the present occasion, I would say that if he values the cause of reform—if he really wishes practical success to reform measures, and not merely to make them themes for declamation and agitation—if he wishes to see those measures carried into effect, let him follow the guidance of the noble Lord the Member for the City of London, who has been our captain, and has led us to victory in many a well-fought field, and who I believe to be not wavering or dissenting on the present occasion, but cautious and judicious. I confess, for my own part, so far from agreeing with the hon. Baronet that the cause of Parliamentary reform has suffered by the course intimated by the noble Lord, my belief is that no policy could have been imagined more fatal to that cause than if the question had been forced upon an unwilling House of Commons, or forced prematurely upon an indifferent and reluctant public by the noble Lord on the present occasion. Sir, the people of this country are desirous at the present moment of uniting heart and hand in prosecuting a far greater struggle than any in which England had yet been engaged; and, I must add, that I believe this House, faithfully representing the feelings of the country, is not disposed to seek for occasions of party differences which might weaken the Government in the great struggle in which we are about to engage with a foreign Power, but at the outset of this formidable contest is inclined to believe that the duty devolves upon it of presenting united counsels, and a serried front to the nations of Europe, which are closely watching our actions. I have seen it stated in the newspapers that, in conversation upon one occasion, the Emperor of Russia said he had no fear of the power of England, because he believed that what he was pleased to call a *bourgeoise* House of Commons would never support the Government in a great and patriotic course of action in foreign policy. I think the demeanour of this House and the country will soon convince him of his mistake. Sir, upon that ground I heartily rejoice at the course which the Government have pursued with reference to the question of Parliamentary reform. I think they are right not only to postpone the Bill upon the present occasion, but I think they would act extremely wrong if they pledged themselves to bring it forward at any time, or under any circumstances, when their sense of public duty may tell them that, as conscientious men, they would not be discharging their duty to the Crown and to the country by introducing it to Parliament; and I hope that no taunt or sneer will drive them from that which I hold to be the course of public duty—namely, not for any minor considerations—not for any considerations of an unworthy description—in the least to waver from the position of judging of events as they arise, and not to commit themselves prematurely to any course which, when the time came, might be contrary to their sense of public duty. We are told we are on the eve of a war. It is true there is yet a possibility that war may be avoided, and if so, one or two months hence may be a very proper time to proceed with the consideration of the Reform Bill; but my anticipation is very different. I am afraid that before the 27th of April we shall be involved in an arduous and severe contest; and therefore my opinion is that it would be a most unwise course to urge the Government to proceed with the Bill at that time. One word more, and I have done. The hon. Baronet the Member for Westminster seemed to call upon the country to agitate upon this question. My belief is, that the country is too sensible and patriotic to adopt any policy of the sort. Sir, they know very well that this is not a time for internal dissensions of any kind; and I will say that, although I believe there is a great body who would like to see a practical and well-devised scheme for improving the representation of the people, yet this House, as at present composed, is, I believe, in the opinion of the country, a fair representative of its opinions, and fitted to be entrusted with the conduct of its affairs, either in peace or in war. There is, therefore, no reason whatever why we should, at all costs and hazards, urge upon Government this question of Parliamentary reform. I will conclude, Sir, by saying, that I, for one, am content to leave the question with entire confidence in the hands of the noble Lord the Member for the City of London. I think the course he has recommended is a wise and patriotic course; and I hope that neither he nor any other Member of the Government will be induced to give a pledge of any kind which may in the slightest degree embarrass that free action and that liberty to judge of events as they arise, which Ministers of the Crown ought always to possess, but especially at such a time as the present.

Colonel SIBTHORP observed, that, whatever might be the opinion of the right hon. Gentleman the Member for Taunton (Mr. Labouchere), and whatever disappointment might be felt by the hon. Baronet the Member for Westminster (Sir J. Shelley), he told both hon. Gentlemen, and the House as well, that the course taken by the noble Lord was no more than he expected. He had witnessed so much vacillation on the part of the noble Lord, that he had no doubt, though the noble Lord would not tell them so, that he had now only carried out the intention he entertained from the very first day of introducing his Bill. He believed, though of course the noble Lord would not tell them so, that the measure was nothing but a hoax—

"Parturiunt montes; nascetur ridiculus mus."

There sat the noble Lord the Member for the City of London, who had, in the course of his political career, promised a variety of things, though no one as yet had ever witnessed anything he had done which had been of the slightest good. The country would feel gratified in one respect with the statement the noble Lord had made to-night, inasmuch as they would feel convinced that he was afraid to bring his measure forward. The noble Lord's own seat depended upon it; and, however he might be supported now by hon. Members opposite, should that day arrive—though he (Colonel Sibthorp) believed it never would—when the Bill of the noble Lord should pass, then would come the time for those whom the noble Lord thought his friends to stick it well into him.

Mr. PHINN said that, representing as he did a constituency which, he believed, no one supposed to be backward in the cause of reform, he felt it his duty to state his belief that the country would be gratified at the course the noble Lord had taken; and he must further say, that he thought his hon. Friend the Member for Westminster (though he was sure the hon. Baronet did not intend it) had used language in reference to that noble Lord which was most ungenerous, and which must have occasioned pain not only to the noble Lord, but to those reformers who had been so long accustomed to confide in him. He thought no one could have looked at the noble Lord while he was speaking without observing that there was a struggle going on in his mind between what was due to his personal honour and the pledges he had given to the House, and what he must necessarily yield to a stern sense of public duty. The noble Lord had been blamed in former times for exhibiting too much moral courage, and a famous person had said of him that he was at all times ready to undertake anything at a moment's notice. But in the present case, however much the noble Lord might feel that his personal honour was engaged, he could not control the force of circumstances, nor urge public opinion beyond a given point. If the Government had said that in spite of all resistance they thought they could bring the Bill to a fair and successful termination, he should have been prepared to give them a humble but hearty support; but, unless they were prepared to say that, he thought they did wisely in postponing the Bill. The House ought to feel that the noble Lord, in postponing the Bill to the period he had named, was influenced by this motive—that, when the united efforts of the four Powers had failed to curb the ambition of Russia, and vigorous action became necessary, the great duty of the country was first to accomplish that object, and afterwards to turn its attention to such internal reforms as might be necessary. In and out of the House he found this opinion prevailing, and for himself he should be exceedingly sorry to use one language there and another out of doors in order to pander to some low feeling of popularity. It was all very well for hon. Members to wish to stand well with their constituents; but they had a higher duty to perform, and they must be prepared occasionally to sacrifice something of popularity to what they felt the great interests of the country demanded. They must not forget—and it was an important point in the consideration of the question—that in asking Members to agree to the second reading of this Bill, they were calling upon many to sacrifice themselves upon the altar of public duty. Some Members were asked to agree to the disfranchisement of boroughs with which they had long been connected; others, to the partial disfranchisement of the places they represented; and there was a third class, and these might be said to be on a bed of down, with whom the only difficulty would be as to the election of a third representative. Upon these, and other points, Members would be called upon to express their opinions on the second reading of the Bill, to which opinions they would stand committed, and this, if the measure was not to pass, for no practical object. For his own part, he should have no hesitation in tomorrow tendering his resignation to his constituents and asking them to re-elect him, even after the expressions he was now using; but this was not a desirable position to place either hon. Gentlemen or the country in. Reformers had also to consider, if the Bill was forced on, what was the chance of carrying the measure? There was a powerful minority against it on the other side of the House, and it would doubtless meet with much resistance in the other House. They had the declaration of the noble Lord who ranked very high as a reformer, that the present was a most inconvenient time to proceed with a measure of this kind. The chances were, then, that by pressing on the measure, as his hon. Friend (Sir J. Shelley) suggested, they would only be forcing a delusion on the country. The question was, not whether they should have a Reform Bill or not, but simply whether this was the proper time for bringing it forward. Under these circumstances, he thought the decision to which the noble Lord had come, was wise, correct, and expedient.

SIR JOHN PAKINGTON: He did not object to the postponement of this Reform Bill—in his opinion, to have persevered in that Bill at the present juncture would have been dangerous and unwise—but he did object to a course of conduct on the part of Her Majesty's Government by which the country had been excited and misled. He thought the explanation they had that evening heard from the noble Lord was humiliating and discreditable to Her Majesty's Government. The noble Lord had said nothing which, in his mind, could save himself or the Government from this dilemma—namely, that if the Reform Bill ought not to be persevered in, it ought not to have been introduced. Her Majesty's Ministers had laid on the table a Bill which had excited the hopes and the fears of large classes of the people, and he held that they were not justified as a Government in so submitting that Bill to Parliament unless they had been prepared to press it forward with all the weight and with all the influence which the Government of the Crown could use. The noble Lord had told them that night that he postponed this Bill on account of a message which had been sent to the Emperor of Russia. Would the noble Lord tell the House that on the day when he moved for leave to introduce this Bill he did not contemplate sending that message to the Emperor of Russia? Was there any one respect in which the position of Parliament, the position of the Government, or the position of the country was different that day from what it was on the day upon which this Bill was introduced? The noble Lord had said that this Bill ought not to go forward, because we are on the point of war. Had the noble Lord forgotten what he himself said on a former evening upon this very subject? Had he forgotten that he told the House that the very first effect of an approaching war would involve increased taxation—that increased taxation required increased confidence on the part of the people towards their representatives —and that, therefore, this was the time above all others pre-eminently fitted for a Reform Bill. How did the noble Lord reconcile the language of that day with the language which they had now heard? He was sorry to say that he thought the conduct of the Government had been such as greatly to impair in the eyes of the country the position which it was most desirable they should occupy at such a moment of public excitement and at such a critical conjunction of affairs. He believed that by the weak and vacillating conduct of the Government they had involved us in a war with Russia. [Hear, hear!] He would not shrink from adopting the opinion which he believed could be demonstrated and proved, that the timidity and vacillation of the Government had mainly led to the war with Russia. That was proved by the papers which had been laid upon the table of the House; but the Government must admit—the noble Lord himself had this night admitted—that they (the Opposition) who dissent from the policy of the Government, had met them in a patriotic spirit. They thought them right in the vigour at which they had at last arrived, and they were willing unanimously to support them in the war they were about to enter on. But this policy required unanimity, and made it most important and desirable that they should act as one man in facing their enemies; and he thought it rendered the conduct of the Government gravely reprehensible, that they had endeavoured to agitate the country and Parliament by a measure upon which they knew it was impossible for unanimity to exist. The Government had only proposed two measures of importance this year. One of these measures they had now postponed, and with the other it appeared they dare not proceed. The one was this Bill to amend the representation of the people, and the other a Bill affecting deeply some of the most grave constitutional questions and some of the most important constitutional guarantees for the religious liberties of this country. Such was the present position of the Government. He repeated, he did not object to the postponement of this Bill; on the contrary, he thought the Government would have been deeply reprehensible had this Bill been persevered in; but he could not refrain from expressing his strong and emphatic condemnation of their conduct in bringing forward a measure which, if it ought not to be persevered in, ought never to have been introduced.

Mr. HUME said that he, for one, had heard with deep regret the determination of the Government to postpone this Bill, because he feared it might excite in the minds of the people a suspicion that they wished to give up the measure altogether; —but he had sufficient confidence in the noble Lord and the Government to which he belonged, to think that they could not be guilty of that which was charged against them. They could not, consistently with their character as public men, ever again hold up their heads if they had introduced this Bill as a mere sham and delusion. He believed they were sincere, and it was because he believed that they were sincere that he had given them his hearty support in the measure they had introduced. He would not say that the reasons they had urged for postponing this Bill appeared to him to be sufficient; but he was not on that account to declare that they were not at liberty to determine the period at which, in their opinion, it was most convenient to proceed with the measure, provided they allowed plenty of time, in dealing with it before the end of the Session. It was to be expected that hon. Gentlemen on the Opposition side should rise and say they approved of the postponement of the Bill; but for progressive reformers—for those who desired to see the grounds of discontent removed from among the people of this country—for such men to throw doubts into the public mind with regard to the intentions of the Government, was really too bad. The hon. Baronet the Member for Westminster spoke of the reformers of England. What did he know of the reformers of England? He (Mr. Hume) thought he knew as much of them as he did; and he could only say that every communication he had had from the country spoke favourably of the Bill as a whole. There might be points which, when it came into Committee, might be modified; but, looking to it as a measure which gave a share of representation to large classes of the people, which—bringing them within the pale of the Constitution, tended to remove discontent—he said, this appeared to him to be a large and comprehensive measure. Every man who sat in that House as a reformer ought to embrace, and not find fault with it. He would not form so base an opinion of the Government as to think they would not apply their whole force to carry it through a second reading. He agreed with the right hon. Baronet opposite (Sir J. Pakington), that if they were not determined to go through with it, they ought not to have introduced it. Having introduced it, with all the obligations which the Government had incurred, and after the speech of the noble Lord upon that occasion, he never could form such a base opinion of them as seemed to have been formed by some who called themselves reformers. He advised all such men to pass from the ranks. He could guard against those who called themselves his enemies, but not against those who called themselves his friends. Though it should be lost—though the Government should be placed in a minority upon this question—it would only tend to rouse the spirit of the country in its favour. He wanted no agitation. The people had perfect confidence in the Government, that after two years' promises, after having brought in a measure so beneficial and so good, they would give a fair chance of carrying it through with success.

SIR GEORGE GREY said, he had risen after the right hon. Baronet (Sir John Pakington) to express his entire dissent from the conclusion which, with great self-complacency, but, as it seemed to him, without any sufficient reason, the right hon. Baronet had formed of his own conduct and that of his party under the present circumstances of affairs. The right hon. Gentleman had claimed for himself and his Friends credit for the highest patriotism; and on what grounds? Because, he says, he and those who act with him had offered no opposition to voting large and increased estimates to carry on a war into which, as he (Sir G. Grey) believed, the Government had been inevitably dragged—not by their vacillation, as the right hon. Gentleman had said, but, as he (Sir G. Grey) thought, by the determined ambition of the Emperor of Russia. What, then, was the patriotism of the right hon. Gentleman? Was it that he and his party were willing to put these additional ways and means to carry on a war which he believed would be a struggle of a most serious character, and the termination of which no man could foresee, into the hands of a Government which, he says, is weak, timid, irresolute, and vacillating? And did the right hon. Gentleman, therefore, think that he and his party are patriotic in allowing this Government to continue in power and to carry on the war. Why, if the right hon. Gentleman and those who sat near him really entertained that opinion of the Government, it was their duty to take the sense of the House of Commons, and to use their best endeavours to place those means in the hands of men not characterised by those grave defects which would incapacitate a Government from carrying on a war with effect. But, if the right hon. Gentleman did not entertain these opinions, or, if entertaining them, he shrunk from this test, then he (Sir G. Grey) thought it anything but patriotic to get up night after night to make insinuations against the Government, the only effect of which would be to depreciate its efforts, to weaken its hands, and to lessen it both in the opinion of this country and of Europe. He believed that these opinions were not shared by the country; that, on the contrary, they thought the Government had acted with caution and prudence, and with a sincere desire of avoiding war and maintaining peace in the negotiations which they have carried on; and he further believed that they were prepared to confide in their ability to act with vigour and efficiency in carrying on the war if they are forced into it. He thought that the Government had taken a wise, prudent, and judicious course in postponing this measure. He did not concur with the right hon. Gentleman in thinking that, after the pledges given by the Government, and after the general expectation that they would introduce a measure for the improvement of the representation, it would have been wise in them to have refrained from laying such a measure before the country. He could understand that hon. Gentlemen opposite wished to see no change in the representation, and that they regretted the Government should have brought in a measure of this character. But he did not share those feelings and objections; and, he said, that any Government would have been to blame which had pressed such a measure upon the consideration of the House, and had refused to postpone any measure pending in Parliament which could interfere with the vigorous prosecution of the war. He was content, for one, that the decision upon this subject should rest in the hands of the Government. He asked for no pledge that this measure shall be forced on during the present Session, irrespective of any circumstances that might arise. He thought that the course which the Government had taken upon this subject deserved the increased confidence of the country, for it proved that they would not prejudice the real interests of the country by pressing on the Bill at a moment when those interests might be thereby damaged. They had been told that his noble Friend had pursued a course injurious to his personal honour. He could not see that his noble Friend's personal honour was in question. Any pledge given by him or by the Government to bring in a measure on this subject could not have been given in such absolute terms, either as Ministers of the Crown or as Members of this House, as to debar them from the exercise of the duty of considering whether and at what time they ought to submit a measure of this importance to Parliament. He could only say that, in his opinion, the personal honour of his noble Friend had been best consulted by his taking that course which, as a Minister of the Crown and as a Member of this House, he believed to be most conducive to the interests of the country. That course had been taken by his noble Friend, and his conduct would entitle him to the renewed confidence of the country.

Mr. SPEAKER having read the Motion,

Mr. DISRAELI said: Sir, I wish to make an observation or two before this Motion is agreed to. I do not clearly understand the reasons of the noble Lord in favour of this Motion, which, however, I shall certainly not oppose. I understood the noble Lord to say that the supplies had been granted by all parties in this House with a facility and spirit very commendable; and therefore I conclude, when the noble Lord made his statement in introducing this Bill of projected Parliamentary reform, he had, of course, calculated all the circumstances connected with supply which could affect its second reading. But though the noble Lord had taken into consideration the time necessary for granting supply, I now understand him to say that he had not taken into consideration the time necessary for voting the ways and means. That appears to be one of the reasons why the noble Lord thinks it expedient to postpone the consideration of the second reading of this Bill of Parliamentary reform, which was fixed for the 13th of this month. It certainly appears somewhat strange that the noble Lord should have omitted to take into calculation the time necessary for voting ways and means, as well as granting supply; yet that appears, so far as I could follow the noble Lord, the most efficient argument adduced in favour of his change of operations. The noble Lord, in estimating the time for these financial operations, could hardly have supposed that so small a space would have been required for supply as turned out to be the case; for I think the noble Lord himself voluntarily expressed his satisfaction with the conduct of the House of Commons in this behalf, and I am sure every Gentleman present will agree that supply was never voted with more alacrity. I know I myself attended yesterday morning at an unusually early hour for supply, in order to lay one or two matters before the consideration of the Committee, and I found half a million had been voted in the time I was taking off my great-coat and walking to my usual seat on this bench, by which I lost the opportunity of making those remarks. Therefore, when the noble Lord made up his mind to come down to the House and propose a great project, when he estimated the time which must elapse before the decision of the House upon its merits could be taken, he could hardly have supposed that voting supply would have taken so short a time as it did; and it therefore would appear that the noble Lord did not take into his calculation the necessity of the House considering ways and means as well as supply. I do not know whether the noble Lord will find as great facility with the ways and means as he has with supply, but I own I am rather alarmed at the intimation the noble Lord gives us of what awaits us next Monday.

But a second reason given by the noble Lord is also, in my mind, of not so satisfactory a nature as, for the sake of the noble Lord, I could have wished. The noble Lord says we are still negotiating with the Emperor of Russia. The noble Lord was, of course, aware of that when he introduced the Bill on the 13th of last month. The noble Lord then, of course, calculated the time which would necessarily or probably elapse before these negotiations could be brought to an issue, as well as the time that would be required by the House of Commons to vote supply and ways and means. Now, I want to know why the noble Lord having these means of forming an estimate of the time necessary, and having for its purpose more experience than perhaps any Member of the House—why the noble Lord took the step he did, of introducing this measure, of fixing a day for the decision of the House on the second reading when it appears, from the reasons which the noble Lord has offered us to-day, he was not justified in the course which he then took, and is, consequently, obliged to postpone for a considerable period the time when the decision of the House of Commons can be asked on this measure, and when he declines—very wisely declines—to pledge himself that even on that distant day the decision of the House of Commons shall be demanded. I cannot help thinking, looking to the very great importance of the subject—looking also to the peculiar circumstances in which we find ourselves involved—it would have been better if the noble Lord, having come to the decision that it was advisable to postpone this measure, had met us openly at first, and told us that circumstances did not justify him in bringing forward so soon as he intended a measure of Parliamentary reform; that he felt himself pledged to introduce a measure of that kind as soon as circumstances admitted it—but that, until he clearly saw he had the power and opportunity of proceeding with the measure, he would not detail to the House the scheme of reform which he meant to introduce. I think that would have been the wisest and most discreet course for a Minister to have taken, because, Sir, we must remember that this is a question which has not been hastily taken up by the noble Lord and his Colleagues. It is now for several years that the noble Lord, as Minister, or in a position almost as eminent, has been announcing to the House and to the country that he intended to propose a further reform of the House of Commons. The noble Lord had the advantage, as First Minister, of proposing a measure for the reform of Parliament. It was laid on the table—not a single objection was ever made to it by any Gentleman who sits on this side of the House—indeed, no opportunity was ever given to us of discussing that measure. Well, a considerable time has now elapsed, and we have on the table another measure of Parliamentary reform which has no resemblance to the one introduced two years ago; though the noble Lord cannot allege that, in consequence of the opposition at that time, or the criticism which it elicited, the measure he now offers is so different in character from its predecessor. Again we are in a position in which there is at least a prospect of the second Reform Bill of the noble Lord not being proceeded with. It is postponed to a distant day. Its projector announces that even he will not pledge himself on that distant day to bring it forward. Its projector may be perfectly justified in the course which he has taken, but in my opinion he ought never to have brought forward the measure in detail, if he did not see a fair prospect of advancing it. The House should consider this point—Is it for the public advantage that a Minister of the country should always be laying siege, as it were, to its constitution? It is a very fair thing for a Member of the House of Commons, who thinks there ought to be great changes in the State, to bring forward his ideas by way of Motion in this House. He generally gets defeated by a considerable majority. He renews his efforts from time to time. If public sympathy is sluggish, his project sleeps; if circumstances allow him to bring it forward with more advantage, his project advances; it may in time be crowned with success. He carries on a constitutional and not a dangerous agitation. The greatest evil which he has to encounter—the very greatest misfortune he has to experience—is, perhaps, for the House to be counted out, as it once was counted out on Parliamentary reform itself. Such a course operates in no manner injurious to the public; but it is a very different thing when a Minister announces that he is an agitator against the institutions of the country. The noble Lord may be perfectly right in his views on this question—not that I am entering now in any way into the merits of his measure—but it is a great disadvantage that a Minister of England should be avowedly one who disapproves of the institutions of the country, and does not change them only because he has not the power. Whatever may be the merits of the measure of the noble Lord, or of any other measure on the subject which may be introduced by any other Minister or Gentleman, one great advantage in the Constitution is, that it is a thing settled. We live under a Constitution, of which the essence of its excellency is, that it is something which is established. Now, I want to know what has been the position of the House of Commons—of the reformed House of Commons—when for the last four or five years the most eminent man in our assembly, justly possessing the confidence of a great party in the nation, has announced that he disapproves of the character of this institution of the State; that he disapproves of its elements, of the materials of which it is formed; that he thinks measures should be passed which should greatly change its character, which should greatly affect its influence—who yet is unable to pass his measures, and nevertheless remains Minister of the country. There are a great many Gentlemen in this House who, like the Member for East Kent, who addressed us to-night, are, they tell us—and we have no reason to doubt them—sincere and conscientious reformers, but who think it an inopportune season to deal with the reconstruction of Parliament when we are engaged in a war which may be a war of magnitude. I will not now discuss that topic. If ever there should be an opportunity, we shall discuss it on the Amendment of the hon. Baronet, though I confess I am not very sanguine that the speeches intended to be made on that subject will ever, Sir, be addressed to you. But consider the effect. If the policy recommended by the hon. Member for East Kent be right —and unquestionably it is one supported, if not by a majority, by large numbers in this House (that is evident from the tone of this discussion)—look at the position in which the noble Lord has placed the House, by introducing his measure in detail to us, and, at the same time, not being able to carry it forward. Now, Sir, our supplies have been voted with a feeling of unanimity to which the noble Lord, I think in a very proper tone, did justice, but which the right hon. Gentleman who last addressed the House cavilled at, with, I think, less correct feeling. But, Sir, whatever may be the fortune of this war, we shall not be wise men if we suppose, as in some quarters is flippantly supposed, that it is to be a brief war—that its end is to be accomplished in a moment. It is more prudent to suppose that we are about to embark in a severe, and even a protracted struggle. All men agree that it is wiser to prepare for such a contingency. Well, Sir, no Ministry, not even a Ministry as favoured as those who sit on the bench before me, can suppose that year after year they can proceed with a war of this character always with success, always with enthusiasm on the part of the people, always with ready and generous sympathy on the part of the House of Commons, even on the part of their opponents. There will be moments of gloom, despondency, and discontent. There may be—which God forbid!—there may be disaster. There may be moments when it will be difficult to appeal to the House of Commons for support. You may not have political parties with the same spirit which now animates them. You may have near divisions on questions of increased or new taxation. The Ministry may carry an unpopular tax, or continue an unpopular war, by a very narrow majority; and then, when the people of this country come to look at the majority of twenty, perhaps, which doubles the income-tax, or reimposes the soap duty, they will say, "Here are twenty fellows, eighteen of whom ought not to have seats in the House of Commons; here are twelve in schedule A, here are six in schedule B; these are the supporters of the Government;" the very men whom they have denounced, and marked, and branded as persons unworthy of public confidence; and it would be added, "Yet these are the men who are carrying on war with the Emperor of All the Russias; these are the men who are inflicting these colossal imposts on the people of this country." The weight of such circumstances should alone have made the noble Lord hesitate before he introduced his measure in detail, and should certainly make him hesitate before he makes up his mind to relinquish it for ever. In my mind, it would be of advantage that the House of Commons should decide upon this scheme. I know the noble Lord has already stated that he himself sees no objection to proceeding with a measure of Parliamentary reform in a time of war, and of all wars, the one most opportune for Parliamentary reform is, according to the noble Lord, a Russian war. Those are admissions which have been generously and voluntarily offered to us by the noble Lord. I am, therefore, to suppose that the noble Lord will find it his duty—difficult as it is to imagine such an event—some day to propose the second reading of this Bill.

But the noble Lord will, of course, be in some degree influenced by the sentiments of his chief supporters. I have listened to them to-night with some dismay; and if the noble Lord can extract from the expression of their opinions any harmony of feeling to guide him in what, I admit, is a most difficult conjuncture—and if any man in the House is equal to the task, the noble Lord is he—he will accomplish greater results almost than he has ever yet achieved. For contrast the support which he has received to-night from the right hon. Gentleman the Member for Taunton (Mr. Labouchere), and the right hon. Baronet the Member for Morpeth (Sir G. Grey), with that which has been authoritatively pronounced, on the part of English Radicals, by the patriarch of reform, the hon. Member for Montrose. The right. hon. Member for Taunton tells us he is for postponement, but the only thing he more particularly wishes is entire withdrawal. That, I infer, would be the policy recommended by the right hon. Member for Taunton. The Member for Morpeth, who read an unnecessary lecture to my right hon. Friend the Member for Droitwich (Sir J. Pakington), has sung in the same note as the Member for Taunton—that there is nothing in the world more prudent than postponement, except giving up the Bill altogether. What says the hon. Member for Montrose? If the Bill is given up, he exclaims, its projectors are abased—they cannot hold up their heads on the Treasury bench again —their character is lost for ever; but he knows them so well, his confidence in them is so unbounded, that he is as certain, come what will, on the 24th of April we shall have the second reading of this Bill, as that he is now sitting in his wonted seat in the House of Commons. But these very expressions of the hon. Gentleman must prepare the Government for what awaits them, if on that day, which he deems impossible may occur, the Reform Bill should not be read a second time. Sir, I cannot congratulate the Government on the prospective condemnation of the hon. Gentleman's amiable credulity. The right hon. Baronet the Member for Morpeth has just, according to his wont, delivered some sententious dogmas to the House for the guidance of their conduct. The right hon. Gentleman will not hear of statesmen placed in the situation of the noble Lord, as leader of the House, being influenced in these great matters of State by what are called feelings of personal honour. The right hon. Gentleman says, "A statesman is to do that which he believes best for the country, and he is not to be hampered by feelings of personal consideration, arising out of pledges which he may have given, and representations which he may have made;" and the right hon. Gentleman reproved those Members of the House who referred to a feeling of private honour as one which ought to bind the noble Lord in the circumstances in which he stands. I will not enter into a controversy upon one of the finest points of ethics; but when the right hon. Gentleman lectures the House so freely, has he forgotten that only within, I may say, a few days the Prime Minister of England, in another place, excusing and apologising, as it were, for the conduct of the Government in introducing this Bill, said it was impossible not to introduce it, for the Ministers were bound to do so as a matter of honour. Sir, I am always ready to recognise the eminent position of the noble Lord, and ready to defer to his opinion, as that of one of the guiding spirits of the Ministry; but, if only as a matter of courtesy, some credit is due to the public declaration of the First Minister, and when I read, authoratively declared to us, the declaration, that the Government, in introducing this Bill, were influenced by a feeling of personal honour, I think the lecture which we have received from the right hon. Member for Morpeth is both unauthorised and misplaced. This declaration, Sir, made by Lord Aberdeen in another place reminds me of one point which I cannot leave untouched, because it has considerable reference to the subject before us. What were the conditions upon which the present Government was formed, according to the present Prime Minister? What was—to use a word which is not English, and is, perhaps, used too often here—what was the political programme of the existing Administration? The noble Earl, when, a little more than a year ago, he acceded to office—it is very remarkable, and this is an occasion on which the country should be reminded of it—announced that his Government was formed on four great principles—the extension of free trade, which has not been extended; the maintenance of peace, which has become a state of war; the principle of public education, to be secured by the production of a great legislative measure, which great legislative measure we have not had; but this we have received from Her Majesty's Government—opposition to the only educational measure which has been introduced into the House; and lastly, and above all, a large measure of Parliamentary reform. When that large measure of Parliamentary reform may be carried, I pretend not to foresee. Some may be as sanguine as the hon. Member for Montrose; others, on the contrary, may be as hopeful as the right hon. Members for Taunton and Morpeth. But one thing, I think, is pretty well ascertained, that, notwithstanding the Emperor of All the Russias, before April elapses the question will, at least, be set at rest, and we shall know whether the House is to be reconstructed, or whether we are to continue as at present, assisting in the government of the country with nearly a sixth of our Members held up to the public by Ministers as men not entitled or qualified to exercise the office of representatives of the people. So much for the great principles on which the Government of my Lord Aberdeen was founded, and so much for the four large measures that were to be introduced. This, the Reform Bill, was the last to which the supporters of the Government seemed to cling; and they had a right to believe that this was a promise which would be fulfilled, because representations were made to their followers not in slight and ordinary terms, and because expectations were held out to the country not of a trivial character. We are told now that wars and rumours of wars are the sufficient causes for the present Government not fulfilling this their positive and most important pledge. But, remember, at the time when war, and even invasion, was deemed to be instant and impending, this promise of reform was repeated, this pledge was renewed, and Members of the present Cabinet even went to the hustings when appointed to office, and at the same time dilated on the terrors of invasion and the blessings of reform. Remember, also, that at the time when the present Government was constructed, we were told that it was framed on a principle of enormous personal sacrifice—that men descended to occupy posts inferior to their previous situations, and even inferior to their own opinion of their own talents. We were told then that there were extreme difficulties in bringing together a band of highly-gifted patriots, sacrificing all selfish considerations on the altar of their country —so that the Chancellor of the Exchequer, for example, and the President of Public Works could meet together in council to consult for the welfare of their country. But a great principle did bring them together—Parliamentary reform—so far as the Chancellor of the Exchequer was concerned, in a Conservative sense, and so far as the President of the Board of Works was concerned, in a form that would satisfy the disciples of Bentham and of Grote. This was the talisman that bound them all together; this, the pervading influence, which allowed elements, apparently so discordant, to work in harmony for the advantage of the country. But the spell seems to have evaporated, though it is the only condition to which we are indebted for enjoying, at this moment, the administrative abilities of the First Lord of the Admiralty. At a time when we have two considerable fleets, when we have penetrated the mysteries of the Euxine and are about to break the ice of the Baltic, it is a satisfaction to recollect that, if Lord Aberdeen had not agreed to bring forward a large measure of Parliamentary reform—not a wise measure, not a moderate measure, but a large measure of Parliamentary reform—then, for aught we can see, the energy, the experience which distinguish the right hon. Gentleman the First Lord of the Admiralty would not have been enlisted in the service of his Sovereign and his country. Sir, these considerations I offer for the consolation of Parliamentary reformers. I fear they can hardly hope to have their measure, but there has been some magic in the name. Under that standard, at least, those have enlisted who, I have no doubt, will contribute to the greatness of the country and the glory of Parliament. They, at least, have been led by that phrase to form a coalition Government, and their supporters must be satisfied that, though the "large measure" which they looked forward to with so much eagerness cannot be passed, still if the phrase had not been circulated, the Ministers who have disappointed them would not now be sitting on those benches.

Lord JOHN RUSSELL: Sir, it is not necessary for me to add anything to the statement which I made before, with a view to explain that statement. But the speech of the right hon. Gentleman who has just sat down does seem to call for some observations from me, because it was a criticism, ingeniously framed, which yet left himself entirely uncommitted—it had no sort of bearing upon the question before us. And it seems really to have been intended for no other purpose than to display his own ability. The right hon. Gentleman the Member for Droitwich (Sir J. Pakington) may, I think, gather a lesson of wisdom from the performance of his right hon. Colleague. The right hon. Member for Droitwich was far too explicit. He said that Her Majesty's Ministers were unwise in bringing forward the question of Parliamentary Reform at all, and he condemned them entirely for so doing; he declared also that their weakness in negotiation had brought on war, and that they had thus proved themselves unfit for conducting the affairs either of our foreign or domestic policy. In answer to this, my right hon. Friend the Member for Morpeth (Sir G. Grey) says, promptly and naturally, why do you not move a vote of want of confidence? But the right hon. Gentleman the Member for Buckinghamshire avoided any such difficulty—he avoids the humiliating confession that he thinks Ministers utterly unfit for conducting either our domestic or our foreign affairs, and yet that he is afraid to brave the risk of moving for their exclusion from the posts they now occupy. No, Sir, the right hon. Member for Buckinghamshire has treated this question with more skill. He indulges in general comments upon the observations which have fallen from different Members, but he satisfies himself with flowing periods—with the utterance of sarcasms, which please his supporters, and leave him and them altogether unfettered. The right hon. Gentleman somewhat resembles the poet of whom it is said that—

"He fagotted his notions as they fell,
And if they rhymed and rattled, all was well."

The right hon. Gentleman said that my right hon. Friend the Member for Morpeth stated, that I need have no regard to my personal honour on this question, and that the noble Lord at the head of the Government declared, on the other hand, that this was entirely a question of personal honour. Sir, I conceive that both meant the same thing. My right hon. Friend said that I should not oppose any regard to my personal honour to the well-understood interests of the country—my noble Friend at the head of the Government declared that not only was this a question connected with personal honour, but that it was also connected with the interests of the country. Sir, I should be ashamed of myself if I were to prefer a concern for my own personal reputation to that which I understood to be for the interests of my country. But it seems to me that the character of the men who rule this country—whether they be at the moment in office or in opposition—is a matter of the utmost interest to the people of this country, and that it is of paramount importance that full confidence should be reposed in their character. It is, in fact, on the confidence reposed by the people in the character of public men, that the security of this country in a great degree depends. In treating of this question, the right hon. Gentleman alluded to an opinion of mine, that the fact of the State being at war was not in itself a decisive reason against the consideration of measures relating to the representation of the people. Sir, I conceive I am fully justified in that opinion, because there have been two great measures connected with representation—connected with disfranchisement—conducted by two great Ministers in the midst of two great wars. In 1706 Lord Somers, a statesman of the highest and most deserved reputation, introduced a measure which was not only a measure of disfranchisement—which not only disfranchised 107 out of 152 Members returned for Scotland—but he thereby excited the utmost provocation in a whole nation, and caused for a time a state of great discontent throughout a great portion of the United Kingdom. A century later, Mr. Pitt, then Prime Minister, introduced a measure by which, out of 300 Irish representatives, 200 were disfranchised, and he also thereby caused great discontent in that portion of the United Kingdom. At the former period, Marlborough was conducting his campaigns in Flanders; at the latter, Napoleon was fighting the battle of Marengo. Yet these great Ministers did not think these wars a sufficient reason for not introducing those great measures affecting the state of the representation. Sir, the hon. Baronet the Member for Westminster (Sir J. Shelley) asks me to give him some further explanation as to what will be the course I shall take in the month of April. Sir, I shall give him no other explanation than I have given. The hon. Gentleman shall not hear from me any attempt to explain to him further, or to satisfy him in respect to my intentions or my views. The hon. Gentleman says that this proposition of Parliamentary reform may have been, and that he believes it is, altogether a sham on my part. Sir, if that declaration had come from my hon. Friend the Member for Montrose—the true representative of those reformers who agree with him in opinion—I own I should have felt deep mortification; but, coming from the hon. Gentleman the Member for Westminster, who has no right to speak in the name of the reformers, I feel utter indifference towards such an imputation. The hon. Baronet, perhaps, does not know that I conducted propositions for reform a long time before he could take any part in public affairs; that for ten years I proposed reforms of the representation in opposition to a man of no less genius, and eloquence, and varied powers than Mr. Canning; that, in 1831, the Government to which I belonged were twice defeated on their propositions of reform; and yet, in 1832, a large measure of reform received the assent of Parliament and the Crown, and was accepted by the country. Why, Sir, after having fought these battles of reform, does the hon. Gentleman the Member for Westminster think that he has a right to treat me—[*Cheers*]—or that my conduct will, in the slightest degree, depend upon any question he may put, or on any taunt he may throw out? I can assure the House that I approach the subject now—that I shall approach it at any future time—with the deepest anxiety to promote the welfare of the country at large. I believe that the addition of large masses of intelligent, independent, and honest men to the constituency of this country will be a great strengthening of our institutions. When I opposed the Motion of my hon. Friend the Member for Montrose in 1848, thinking that that was not a fit time for proposing large plans of reform, I thought, at the same time, that the temper, the moderation, and the good sense which were shown by the people of this country in the year 1848, demonstrated to the conviction of any man who attended seriously to the spirit of the people at that time—demonstrated that large classes of the people who yet had no votes were fit for the franchise, and that by being brought within the pale of the representation they would confer a benefit upon our institutions, whenever the House of Commons should set itself seriously to consider the question of adding to the electoral body. Those views I still entertain, and, entertaining them, as I said before, it will be with the deepest sense of their importance that I shall proceed to resume the consideration of this measure.

Sir JOHN SHELLEY said, he should deeply regret if the House did not afford him an opportunity to explain. He begged to assure the noble Lord that he had expressed himself very ill if he had been supposed to impute to the noble Lord in any way that, in introducing the Bill, he had intended a "sham" upon the country. What he said was this, that unless Ministers persevered with their measure, he feared the impression would go abroad that it was never anything else than a sham, but he added that he himself did not believe that, and he would now entreat the noble Lord to persevere with the second reading.

Lord John Russell

Mr. DISRAELI: Allow me to ask one question. Perhaps I misunderstood the noble Lord—but is it intended to proceed with the second reading on the very day the House meets after the Easter holidays, for that would be exceedingly inconvenient?

Lord JOHN RUSSELL: No; if the House meet on Monday, the second reading will stand for the Thursday following.

Motion *agreed to.*

Second reading *deferred* from *Monday*, 13th March, till *Thursday*, 27th April.

SPIRITS FOR THE USE OF THE ROYAL NAVY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. P. O'BRIEN moved, as an Amendment, that, prior to any future contract for the supply of spirits for the use of Her Majesty's Navy being made, tenders for the supply of home-made spirits be admitted. The hon. Member observed that he had no desire to trespass at any length on the attention of the House, but he thought that this was a fitting occasion to consider the propriety of admitting into competition with rum, as the beverage for the Navy, another description of spirits, which would probably prove quite as acceptable on board Her Majesty's ships of war. On reference to the *London Price Current* he found that the price of rum fluctuated very considerably in the month of January last, and that on the 27th of that month it had reached 3*s.* 11*d.* a gallon. He was informed, too, that such was the scarcity of the article that the Government had found it necessary to accept, even at that high price, all the tenders—four in number—which had been offered, and that, too, for the full quantity. The Government contract had, in fact, been concluded at a rate which would raise the price of rum, 25 per per cent over-proof, to 5*s.* a gallon, which was 50 per cent in excess of what Irish or Scotch spirits might be had for. Such was the difference in the price of the two articles, and that difference, regarded even in an economic point of view, became important, when the quantity consumed was, as in the case of the Navy, very large. He held in his hand an extract from the trade circular of Messrs. Ridley and Co., of London, which contained the following statement:—

> "Within the last month the rum market has witnessed the greatest rise since the last war. Our London stock may be said to be nearly exhausted. On the 21st ultimo it showed only 8,024 puncheons of all sorts. Should the Government require in one tender 100,000 gallons (until arrivals take place), it is questionable if they would get supplied. British spirits, now at 11*s*. proof, must be used up extensively to mash with rum for domestic consumption. The effect of the high prices on home consumption is made apparent by a decrease in the London payments for twelve months, and a falling off of 519 puncheons."

Such being the present state of the market, he submitted that there was nothing unreasonable in the request that, prior to any future contract for the supply of spirits to Her Majesty's Navy, tenders for the supply of home-made spirits should be admitted. The only question to be considered was, whether home-made spirits were as wholesome as rum; but on this point he did not apprehend that any difficulty would arise, for, if he had been correctly informed, the Treasury were at that moment in possession of evidence to show that home-made spirits, if of the proper age, were the more wholesome of the two. And most assuredly the relative estimation in which both were held by the general population was sufficiently attested by the much larger consumption of home-made spirits than of rum. This was not a mere distillers' question. It was a question in which England, Scotland, and Ireland were financially interested, and one which was of especial importance in Ireland, where there was an agricultural population, because the establishment of distilleries tended to encourage agriculture, by creating ready markets for grain, and gave to the poorer population remunerative employment, and thus relieved the pressure of the poors' rates. If it could be shown that the men serving on board Her Majesty's ships had an objection to spirits, or preferred rum, such a fact would, of course, be fatal to the Motion he was now submitting; but no such prejudice could exist, inasmuch as the experiment of introducing home-made spirits instead of rum had never as yet been made. Some hundreds of coast-guardsmen had been drafted from their stations in Ireland and Scotland into the naval service, and it was not to be supposed that they would entertain any objection to a beverage with which they had been familiar for the last ten or twelve years. He considered that the Motion was a fair one, and, upon economic, sanitary, and free-trade grounds, he hoped that it would receive the serious consideration of the Government.

COLONEL DUNNE seconded the Motion.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words, 'it is the opinion of this House, that, prior to any future contract for the supply of Spirits for the use of Her Majesty's Navy being made, Tenders for the supply of Home-made Spirits be admitted,' instead thereof."

SIR JAMES GRAHAM said, the question the hon. Gentleman had raised was by no means new; it had already been brought, and recently, under the consideration of the House, and he was bound to say that, in a financial point of view, it was worthy consideration. It was quite true that, at the present moment, the price of rum was considerably higher than that of whisky; but it would be entirely incompatible with the discipline of the Navy that two species of spirits should be issued to them at the same time. Almost from time immemorial rum had been the spirit used in the Navy, and it was in accordance with the great majority of those who served Her Majesty afloat. At this moment, in his judgment, it would be inconsistent with sound policy, on the ground of the high price of that spirit, to introduce any change. It must be remembered that the quantity of spirits served out every day had been greatly reduced, and while they reduced the quantity, he thought it would be most unadvisable to change the quality. It was not, therefore, on financial grounds that he should resist this Motion, but on the grounds that he had stated.

MR. FITZSTEPHEN FRENCH said, the right hon. Baronet opposed the Motion on the ground that it would be most detrimental to the discipline of the Navy if any choice was allowed to seamen with regard to the supply of spirits; but he must remind the right hon. Baronet that sailors were now allowed to use cocoa or coffee at their own discretion, and he (Mr. French) was not aware that that regulation had been prejudicial to the discipline of the fleet. The right hon. Baronet, by contending for this monopoly, was supporting a principle of protection in direct opposition to the interests of the corn-growers of the kingdom. He and his predecessors had thrown beef, biscuit, and almost every other article used in the Navy open to the entire world, but claimed protection for an article the produce of the refuse of sugar. He did not venture to say the health of the sailors was involved in this question, for he admitted that home-made spirits were wholesome; they were much more economical than the spirit supplied at present, and before the Sugar and Coffee Committee they had admitted that the preference was given to rum solely as a protection to the interests of the Colonies. British home-made spirits had already been tried with great advantage to the health of crews in the mercantile navy, and it was perfectly well known that, when on shore, sailors preferred them to rum. Last year the right hon. Baronet told them that if they considered the Board of Admiralty were not competent to manage such affairs they had better get rid of the establishment at once. Now, he (Mr. French) thought a little temper was displayed there, for he should think no one could contend that all the acts of the Admiralty were good, and he reminded them of the bad meat which had been bought and turned out a great loss to the country.

Mr. BERNAL OSBORNE said, he could not see what analogy the hon. Member for Roscommon could find between this and the great question of protection. The argument in favour of the Motion was simply this—whisky was made in Ireland, rum was used in the Navy, therefore whisky ought to be substituted for rum on board Her Majesty's ships, or the hon. Gentleman made it a subject of complaint. As well might the sheep-growers of Sussex make it a matter of complaint that beef only was used in the Navy, and ask the House why it was that they did not take their mutton. But the hon. Member for Roscommon was the representative of a great whisky-growing interest, and because their interests might be served by it, therefore the House were to compel the seamen of Her Majesty's Navy to drink whisky instead of rum. Nothing was so dangerous at any time as to interfere with the rations and the allowances of the Navy. The mutiny at the Nore was chiefly caused, he believed, by the intermeddling of some such well-meaning individual as the hon. Member for Roscommon. But the hon. Member, in support of his own views, asserted that several of the mercantile marine had stored with whisky instead of rum; he challenged the hon. Gentleman to make good that assertion. It might be there was an individual ship that had made the substitution, but it was well known that the great majority of the mercantile marine made use of the ordinary grog taken in Her Majesty's Navy. He wished to inform the hon. Gentleman that the great consumption of rum in this country took place in seaport towns; and from that fact he drew this conclusion, that they drank it at seaport towns because sailors had a decided preference for rum. That, then, was a matter which might safely be left to the Board of Admiralty. No complaints had reached the Board from the sailors that it was rum and not whisky which was supplied them. The hon. Member had complained of whisky not having been substituted; but he could assure them that, if they persisted as they had begun with intermeddling with all the little details of the Board of Admiralty, they would have the Navy by-and-by in a very discreditable condition. He gave the hon. Member for Roscommon credit for his honesty of purpose; but he trusted the House would not be led away upon a Motion such as the present. He had no wish to detain the House; but if time permitted he could point out how inconvenient it would be to have two kinds of spirits on board, and especially if sailors were contented to drink grog, it was imprudent to interfere.

Colonel DUNNE said, he was glad to hear the voice of his hon. Friend once more, but he thought on this occasion he had not spoken with his usual ingenuity. There might be very good reasons why mutton could not be introduced into the Navy—salt beef would keep better; but in the case of whisky, that spirit would keep as long as rum. He differed as to the taste of sailors for rum, for he had never met a naval officer who could bear that spirit in consequence of having so much on board. As to the two issues, he could see no objection to them; he believed the real reason for the preference shown to rum was that of protection, as had been alleged.

Mr. BELLEW had listened with great attention to the remarks of the First Lord of the Admiralty on this subject, but could not discover a single sound argument for the continuance of the exclusion of home-made spirit from the Navy. When the hon. Gentleman who spoke afterwards rose, he expected to hear something like reason; but he told them nothing further than that they ought to have sufficient confidence in those who administered the affairs of the Admiralty. Rum cost the country considerably more than whisky would, and the latter spirit was not less wholesome, nor, he was sure, if introduced into the Navy, would it be less popular. If it could be so introduced great benefit would be conferred on the country generally and Ireland in particular.

MR. CRAUFURD said, as the representative of a district that was largely interested in the whisky manufacture, he might perhaps be permitted to state that he intended to support Her Majesty's Government on this occasion, and he did it on this ground, that it was an interference with the details of a department which had far better be left in the hands of the Executive. He had never heard any complaints from his constituents on the subject, who, as he said, dealt largely in the manufacture of whisky, and without going into details, he was satisfied that, if it was not for the convenience of the service, the Admiralty would not refuse to allow it to be tried.

MR. STAFFORD gave the Government credit for simply wishing to determine which was the best spirit for the service, irrespective of West India or any other interest. He was quite prepared to assert that the only method of giving the experiment a trial would be to supply some particular ship before starting on a cruise with either whisky or gin, or some other spirit different from that ordinarily allowed. At the same time he was strongly of opinion that any such experiment was of a most hazardous character, considering how long the seamen had been accustomed to another sort of spirit, in the use of which they had always found very great pleasure. He quite coincided with the statement made by the hon. Secretary to the Admiralty (Mr. Osborne) as to the use of rum in seaport towns; he was perfectly certain that Jack, on first going on shore, would be sure to ask for rum above all other spirits. There could be no analogy whatever recognised between the use of coffee or cocoa in the Navy, and a choice between rum and whisky; for the arrangement as to the spirit to be used was a matter affecting the whole discipline of the service. No discretion could be allowed in such a matter. Agreeing, then, in the view taken by the right hon. Gentleman the First Lord of the Admiralty, that the experiment suggested would be a most dangerous one, he was obliged, with every wish for the prosperity of Irish distillation, to vote against the proposal of the hon. Member.

Question put "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 97; Noes 38: Majority 59.

RELIGIOUS WANTS OF ROMAN CATHOLIC SOLDIERS AND SAILORS.

MR. LUCAS said, although the subject which he was about to submit to the notice of the House was one of very great importance, he should have been glad not to have interrupted the progress of business on a supply night if a suitable opportunity had been otherwise appointed of bringing forward the question. At the same time he was most anxious that both the House and the Government should understand that, in thus laying bare the grievances under which Catholic soldiers and sailors had laboured for so long a time, he had no wish whatever to excite a feeling of discontent in the minds of those whose claims he was submitting to consideration. He believed that the effect of his Motion would be to produce a feeling the very opposite of discontent, and that its tendency would be to show those who were hazarding their lives on behalf of their country that their reasonable interests were not left uncared for by the House of Commons. The question he was about to raise was not one in any way connected with the military or naval service of the country in a time of war, for the grievances complained of had been experienced in time of peace as well as in time of war. No less than fifty years ago, at a meeting of the Roman Catholic bishops held to take cognisance of the grievances under which the Roman Catholic portion of the community laboured, the most prominent grievance put forward was that felt by Roman Catholic soldiers and sailors in being debarred from the proper exercise of their religion. Fifty years had now elapsed since that date, and, though the subject had been repeatedly brought before Parliament, and though some move had been made in the proper direction, still it was not to be denied that the grievance substantially remained. It would be, therefore, his duty to-night to call upon Her Majesty's Government to make some effort for its effectual and final removal. And let it be remembered that he and those who were acting with him were contending for no new principle; for the principle that the Catholic soldier and sailor were entitled to the same justice—to the same adequate provision for their religious wants as the Protestant soldier and sailor—had been already fully recognised by Her Majesty's Ministers, from whatever side of the House they had been chosen. The only thing wanted, then, was to carry into practice the principle already acknowledged, and to give that fair and reasonable justice which it was admitted ought to be conceded. He believed, however, that, even amongst Roman Catholics themselves, there were those who were not aware of the full extent to which the inequality complained of prevailed. According to a return which he had obtained last year, showing how a sum of 18,000*l.*, included in the estimates for the religious services of the Army—had been divided, it was quite evident that, taking into consideration the number of Catholics in the Army, a real hardship was inflicted on the soldiers and sailors of that persuasion. Last year the right hon. Gentleman the Secretary at War was kind enough to furnish him with a statement giving the proportion of Protestants, Presbyterians, and Roman Catholics in the Army on the 3rd of June, 1853; and it appeared from that return the Protestants numbered 74,335; the Presbyterians, 12,765; and the Roman Catholics, 41,400—total, 128,495. According, therefore, to that statement, the Catholic soldiers formed about one-third of the Army. That being so, it was a matter of very great importance, especially at a moment when they were engaged in hostilities, that one-third of the Army should have no reasonable grounds for complaint—that one-third of the Army should feel that they were really treated with equality—that they were looked upon—not, indeed, with any peculiar favour—but with complete impartiality. Under any circumstances they were entitled to this; but he considered that a great augmentation would be supplied to their claims by a reference to the facts stated in the last report of Colonel Jebb, Inspector General of Military Prisons, as to the conduct and discipline of Catholic soldiers. That report stated that, in the nine military prisons of England, Scotland, and Ireland, the proportion of Catholic military prisoners was only 28 per cent, while the proportion of Catholics in the Army amounted to 32 per cent of the whole; there was, therefore, a balance of 4 per cent in favour of the conduct of the Catholic soldiers. Now what was the proportion of the fund devoted by Parliament for the necessary religious worship to the Army which he should expect to find allocated to the service of the Roman Catholics? He believed it was impossible to place their claim upon a lower footing than that they should have a proportion of it equal to their numbers. He did not mean to say that a Catholic clergyman should receive as much as a Protestant clergyman, because he did not believe that their necessities were equal; but he thought that the duties of the Catholic priest were very much more arduous in their nature than those of the Protestant clergyman, and that one Catholic clergyman was not able to meet the spiritual wants of as many soldiers as the Protestant. On that account he believed there ought to be a greater number of Catholic than Protestant clergymen in proportion to the number of Catholics and Protestants attached to the Army, and that the fund voted by Parliament should be divided in some approximation to the numbers. Now, how was that fund of 18,500*l.* divided? 500*l.* of it went to supply books for the soldiers, and, therefore, of that he should take no account. But of the remainder, 14,436*l.* went to the Protestants, 865*l.* to the Presbyterians, and 2,702*l.* was devoted to the Roman Catholics. That is, while the Catholics formed one-third of the whole Army, they only received one-seventh of the grant for religious purposes. The grievance, however, by no means stopped there; for this sum of 14,000*l.* was by no means the whole amount dedicated to Protestant services in the Army. Thus, he found that to the chaplain general, who was a Protestant, of course, and who certainly was not an officer who could or ought to be entrusted with the spiritual superintendence of Roman Catholic clergymen—a man who, from his position and functions, would naturally, on any question affecting the spiritual wants of the Roman Catholics, be a partisan against them, though he wished to make no charge whatever against the present holder of the office—on the contrary, he had heard of one or two instances where he had opposed the manifestation of a bigoted feeling. Well, he found this gentleman with a salary of 500*l.*, and an allowance for a clerk of 80*l.* a year. Then there were chaplains and assistant chaplains, with salaries varying from 200*l.* to upwards of 400*l.* a year, stationed at various garrisons at home and abroad. And then came a class of items to which he should beg the particular attention of the right hon. Gentleman the Secretary at War—items which altogether yielded a larger amount than the entire provision made for the spiritual wants of the Catholics of the Army. He alluded to the allowances for half-pay to regimental chaplains, and allowances to chaplains' widows. He found that the sum of 2,911*l.* 5*s.* 10*d.* was allotted for the non-effective religious service of the British Army. He found also that there were twelve prison chaplains, with an allowance of 54*l.* 10*s.* each, included in the estimates for the Army. Summing all the various items together, he found that a further sum of 10,000*l.*, quite distinct from the original 18,000*l.*, was given for Protestant service in the Army. So that, while a sum of 2,700*l.* was all that was allotted for Catholic service, no less than 26,000*l.* was allotted for the religious purposes of the Protestant soldiery. Coming now to the Navy Estimates, he was unable to determine whether any effectual spiritual aid whatever was provided for Roman Catholic sailors afloat. He must admit that he had no data to go upon, on which he could form an opinion as to the proportion of Roman Catholics to Protestants on board our fleets; he was told, however, that this could not amount to much less than one-fourth of the whole. The whole amount voted for the promotion of Protestant religious service in the Navy was, he believed, about 22,000*l.*, distributed among about 69 chaplains, stationed on board our ships, in the naval yards, and the marine barracks—a certain portion being allotted for half-pay and widows; while the only money which he could find voted for Catholic purposes, was four miserable stipends of 20*l.* each, divided amongst the hospitals at Plymouth, Greenwich, Chatham, and Woolwich. Now, the result of all this was, that there was scarcely a station either at home or abroad where adequate provision was made for the religious wants of the Catholic soldiers; and, even where they were permitted to attend religious worship in the Catholic chapels of the district, the arrangements to enable them to do so were perfectly scandalous. Now, the Government must accept one of these two alternatives if they persisted in maintaining the present system, namely, either that a sum of under 3,000*l.* was miserably inadequate for the wants of one-third of the Army, or that it was monstrous to expend 26,000*l.* upon the remaining two-thirds. He would illustrate this system by one detail of it:—The sum of 968*l.* was allotted for the Protestant service of the troops at the Cape. He did not know precisely what the proportion of Roman Catholic soldiers there was, but he saw no reason to suppose it was different from the proportion elsewhere. Now, what sum did the House suppose was given for the Roman Catholic military service in that colony? Two sums of, respectively, 30*l.* and 40*l.*—one to the priest at Fort Hare, the other to the priest at King William's Town. How arduous were the duties of these priests the House might learn from the statement in a letter he held in his hand, from the priest at Fort Hare, who mentioned incidentally that, after riding twenty-eight miles that day, on his spiritual duties, he was, after writing the letter, about to ride other fourteen miles, in the darkness of night, to visit a dying man of his flock. Yet, for these arduous duties, this gentleman received only 30*l.*, having no horse and no forage provided him, an assistance given only to the Protestant chaplains. Such a state of things as this was scandalous. The Protestant chaplains at the Cape received 200*l.* a year, and there were four of them, while the Catholic clergyman only got 40*l.*, and there were but two of them. Passing from the Cape to Scotland, he found that the clergyman, who travelled a distance of twelve miles to attend the spiritual wants of the Catholic soldiers of Fort George, only received last year 10*s.* a visit—a sum which would not pay his expenses. In the previous October this clergyman stated that he was treated better, and received 30*s.* a visit. When he (Mr. Lucas) had brought this subject privately under the attention of the Government, he was told that the Catholic soldiers in a great number of stations were in a minority, and it was much more difficult to provide for this minority than it would be for a large body of soldiers. He wished to show, though this was a plausible objection, and one that was very often put forward by official men when they had what they considered a troublesome grievance to deal with—it was still an objection which they found it very easy to get over when they had a very strong motive for getting over it. How, he asked, did they deal with the lowest refuse of society when they got them in gaol? How did they deal with burglars and ruffians, who happened to be Protestants, when they were placed in a gaol? These men were very often lodged in gaol in very small numbers; in Ireland the Protestant criminals were in a constant minority; but, without going to that country for examples, how, he would ask, were the religious wants of criminals provided for in England? By a return laid upon the table of the House there were, on the day the return was made, in Exeter city gaol 21 prisoners, and the Protestant chaplain was allowed 60*l.* a-year; in Ilfracombe, 40 prisoners, with 61*l.* for the chaplain; in Lancaster, 39 prisoners, and 380*l.* for the chaplain; in Walsingham, 29 prisoners, and 200*l.* for the clergyman; in Middlesex, 30 prisoners, and 300 for the chaplain; in York Castle, 37 prisoners, with 300*l.* for the chaplain, and so on. The result was, that the total number of prisoners in the English gaols on the day of that return was 21,626; that 16,077 of these belonged to the Church of England; and the salaries of Church of England chaplains were 23,129*l.*; while for 40,000 Catholic soldiers the Government could not afford 3,000*l.* The estimate formed of the religious wants of the Catholic soldier was, therefore, very much under those of the Protestant convict; and while 1*l.* 8*s.* per head was allowed to the Church of England prisoners, only 1*s.* 6*d.* a-head was given for Catholic soldiers. Take, again, the case of Chatham. There he understood the Catholic soldiers were at certain periods of the year in a majority. At Chatham also there were considerable establishments connected with the Navy; there were the garrison, the dockyard, the marines, two hospitals, and the Military Prison at Fort Clarence. As far as he could make out, the soldiers in the garrison were in equal numbers—say 2,000 Protestants and 2,000 Catholics. Of the marines, dockyard artificers, people in hospitals and in the prisons, there would, of course, be a Protestant majority—say 3,000 Protestants and 500 Catholics, making altogether 5,000 Protestants and 2,500 Catholics. What were the respective religious allowances made? In the first place there was the Protestant garrison chaplain, with a salary of 292*l.*, and allowances which made his salary 408*l.*; then there was a chaplain in Fort Clarence, with 205*l.*; a dockyard chaplain, with 350*l.*; and a chaplain to the Marine Infirmary, 160*l.*; making altogether a sum of 1,123*l.* at Chatham paid for Protestant clergymen in these various establishments. To this must be added additional pay of chaplains, half-pay of chaplains, and widows' pay, a due proportion of which must go to Chatham, with the outlay upon the chapels and repairs, so that altogether there could not be less spent than 1,200*l.* annually upon the Protestant service in that garrison. Now, what was the allowance for the performance of Catholic service? There was but one priest, who had a congregation to look after besides, and who received 20*l.* on account of the Navy, and 80*l.* on account of the Army, which was paid him for religious services to 2,500 Catholics, while 5,000 Protestants had allowed them something like 1,200*l.* Then the Protestant clergyman got all sorts of extras, while the Catholics had a chapel rent to pay; the priest had no pension, and when he had worn out his health in performing the duties which devolved upon him, he was allowed to live as he could in his old age. The priest, living at Brompton, had to attend the military prison at Fort Clarence, which was five miles from Brompton Barracks; he had to attend Fort Pitt, which was three miles distant; had the spiritual wants of a large congregation to attend to besides; and, to make the whole complete, he had to attend the cavalry barracks at Maidstone and the county gaol there—a distance of eleven miles—for which he had no allowance. Then look at the chapel room at the disposal of the two communities. The Protestants at Chatham had the dockyard chapel, which would hold 2,000; the chapel in Brompton Barracks, 1,500; that at Fort Pitt, 150; and the Fort Clarence Chapel, 150 more; making a total of 3,800 sittings. On the other hand, the Catholics had only one chapel, every inch of which was wanted for the accommodation of the ordinary congregation, and only 200 soldiers could attend mass there on the Sunday. Thus, it was ten weeks before the turn of a Catholic soldier to hear mass came round at Chatham, it being an obligation of his religion that he should hear mass (whatever else he missed) every Sunday morning. Again, while there were Protestant schoolmasters, there was not one Catholic schoolmaster anywhere. Another grievance had arisen at Chatham out of the difficulty which the Catholics had there in getting ground for a new chapel. Three or four years ago repeated applications were made for a piece of ground at Brompton, close to the garrison hospital, but those applications were refused. Instead of a proper piece of ground for the erection of a chapel, the Roman Catholics were offered a piece of land situated in a swampy marsh, about two or three miles beyond Brompton Barracks, perhaps with the idea that malaria was considered beneficial to the Roman Catholic soldier. At Chatham there were many pieces of ground vacant, and one very suitable piece was pointed out; but the commandant objected, on the ground that, if a chapel were erected and the place became shut in by buildings, it would be dangerous as affording an admirable cover to the enemy in case of invasion. He thought, however, that the commandant feared the spread of Roman Catholicism more than any invasion. The right hon. Gentleman the Secretary at War had had the case under consideration, and he had endeavoured to make an arrangement, under which a large room, which was appropriated to the performance of the Protestant service, should be allowed to be used alternately for Roman Catholic and Protestant worship, but to that arrangement objection was taken by a Protestant bishop. The Bishop of Rochester objected to it, not on the ground that the building was consecrated, but—he objected to the alternate performance of the two services. What, then, did the Secretary at War propose? He proposed to take away the chapel from both, and to build a chapel school, to be used alternately for both services. He had seen the plan for the erection of that school, and it appeared that it was to be a very handsome edifice, built like a church, and containing a communion-table and everything required for the convenience of the performance of the Protestant ritual, but nothing for the convenience of the Roman Catholic service. He believed that the right hon. Gentleman the Secretary at War sincerely desired to do what was right in the matter, but that the fear he entertained of exciting against himself all the existing bigotry would prevent him from carrying out any change to its full extent. It appeared to be almost impossible to obtain adequate justice for the Roman Catholic soldier. At Kilmainham Hospital, this year, for the first time, it was proposed to give an allowance for a Roman Catholic priest. He would just call the attention of the House to the proportion which the Roman Catholics bore to the Protestants in that institution. There were 139 inmates in that hospital; of that number 100 were Roman Catholics, 35 were Protestants, and there were 4 Presbyterians; so that the vast majority were Roman Catholics. Now, what provision was made for the spiritual wants of the Roman Catholics? Last year no provision at all was made, while there was an allowance of *250l.* for a Protestant chaplain, and of *18l. 5s.* for a clerk. This year there was, in addition, an allowance made of *50l.* for a Roman Catholic priest; but, instead of his being described as a chaplain, he was described as a Roman Catholic clergyman officiating to the prisoners. Such a state of things was manifestly most unjust—that *268l. 5s.* should be allowed for the spiritual wants of 35 Protestants, and only *50l.* for those of 100 Roman Catholics. It was absolutely necessary that the salaries and allowances of Roman Catholic chaplains should be increased, and he hoped that the right hon. Gentleman the Secretary at War would state to the House whether he proposed to make any such increase, and, if so, to what extent. It would not be advisable to tell the 40,000 troops of the Roman Catholic persuasion in the British Army that they would not be treated with justice and impartiality. There must also be some reform in the hospitals with the view of preventing the Roman Catholics there from being interfered with by the Protestant chaplains. With regard to the schools, it appeared to him that the proper principle to be adopted was, that children who were entered as Roman Catholics, should be *ipso facto* exempted from attendance at any Protestant place of worship. The present system, which amounted to compelling a soldier to proclaim himself a Roman Catholic and to object to attend divine service, was a serious hardship, as it exposed him to the bigotry of his commanding officers, who might use the power with which they were entrusted for what they might deem a proper, but which would, in reality, be a most unjust purpose. He hoped that the right hon. Gentleman the Secretary at War would give this subject his consideration, and that a principle so objectionable would be done away with. He was sorry that he was compelled to trespass at such length upon the time of the House, but the subject was one of the utmost importance, and, although it was most necessary to correct any deficiency in the administration of the Army in time of peace, it became doubly necessary to do so with war impending. He would now advert to similar grievances which existed in the Naval Department. The first complaint he had to make was that, in the Navy as well as the Army, the provision to supply the spiritual wants of the Roman Catholics was utterly insufficient. The provision for the support of Roman Catholic clergymen was only *80l.*, while for Protestant chaplains it amounted to a sum of *22,000l.* A question was asked, a few evenings back, as to whether the Roman Catholic priests in Kilkenny urged their congregations not to enlist in the service; but he could tell Her Majesty's Ministers that, if it were announced that such a disproportion as he had mentioned should still continue to exist, it would not be the Roman Catholic priests who would prevent the people from entering the Army or Navy, but the voice of warning would proceed from the Treasury bench. For his next grievance, he quoted a letter written to the late Board of Admiralty by a priest at Portsmouth, named Kelly, who objected to the practice of Roman Catholic boys being taught the Protestant Catechism on board Her Majesty's ships; and that, whilst Protestant chaplains were regularly provided for the Protestant sailors on board ships at Spithead, the Roman Catholic sailors were prevented attending mass on shore on Sunday, unless they happened to be off duty on that day. All the notice that was taken of this communication by the late Board was a mere acknowledgment of its receipt in a letter signed "Augustus Stafford." On the accession to office of the present Administration, the priest renewed his application to the Board of Admiralty, requesting it to restrain all naval commanders from compelling Roman Catholics serving on board the Queen's ships to attend the Protestant worship or read Protestant books. But the only answer received from the present First Lord, dated 22nd January last, was, "their Lordships do not think it necessary to adopt your suggestion"—that suggestion being that Roman Catholic sailors were not to be compelled to attend the Protestant worship or read Protestant books. When he had such facts to lay before the House, he had a right to the most serious attention of the Government, and he had also a right to demand that the two right hon. Gentlemen who represented the two services in that House, should both pronounce that a very great change should be made in the arrangement for the performance of divine service for the Roman Catholic soldiers and sailors in Her Majesty's service. He did not believe that that could be refused, and he was sure it was not their interest to refuse it. When the Government found that the very services on which they relied to carry on the war in which they were now about to engage were embittered by grievances of this kind, it behoved them to adopt a similar policy to that which they had already pursued that night in respect to the Reform Bill, and to withdraw that which was a constant source of animosities, disputes, and jealousies between Roman Catholics and Protestants in both services. He believed that the Catholic population of the United Kingdom were with the Government, heart and soul, in the cause in which they were engaged. Every one whom he knew was of opinion that the war about to commence was one in which all classes of the community were equally interested. It was a war which concerned the people as well as the prince, the Catholic as well as the Protestant, the Celt as well as the Saxon; it concerned all who did not wish that Europe should be overrun by the irruption of a barbarous Tartar empire, and who were anxious to uphold the honour and the glory of this nation. Some three or four years ago, there were those who expressed themselves indignant at a document which had come from Rome, dated from the Flaminian Gate, and which was attributed to the influence of a Cardinal who was the Archbishop of this metropolis and the neighbouring counties. It so happened that at this very time the same Cardinal was again in Rome, and a document had just come over again to this country, dated at the Flaminian Gate. It was a charge addressed to the Catholics of this metropolis, in which Cardinal Wiseman enforced on them the duty of cordially supporting the honour of the Crown and the interests of the people of this realm, and in which he called upon them to bear cheerfully the additional burdens which the war might impose on them. The document concluded by saying that he felt it necessary that there should be inserted in the prayer for Her Majesty on Sunday that clause which for forty years had been omitted, "That she may conquer her enemies." Such was the document addressed by the Cardinal Archbishop of this diocese to the Catholics of this metropolis, but it was matter of some importance that there should be reasonable ground why he should teach those entrusted to his spiritual direction that they could have confidence in the Crown that arrangements would be made by the State for the support of which so many of them were required to shed their blood, for their spiritual instruction and religious consolation. He had not made this present address to the House from any feeling of hostility to the Government, but in the conscientious discharge of his duty. He would sit down by earnestly calling upon the two right hon. Gentlemen who represented the two services in that House, to give a promise that every consideration would be bestowed on the subject to which he had now called their attention.

Mr. SIDNEY HERBERT said, he could not pretend to follow the hon. Gentleman through all the details into which he had entered in his speech, because he frankly confessed he felt himself unable to do it, and because, not having had notice of the particular instances to which he intended to call attention, he was not in a situation to state precisely at that moment what were the facts of each case. He thought it better, therefore, to state to the House what had been the practice, and what changes had been effected, and then to leave the House to judge how far he had acted in a spirit of fairness towards the Roman Catholic soldiers of the Army, and how far the hon. Gentleman was justified in many of the observations which he had addressed to the House. It was perfectly true, as the hon. Gentleman had stated, that the Roman Catholic soldiers amounted in round numbers to about one-third of the whole Army. He had gone on to state that he was not aware of the numbers as they existed at particular stations. This, however, had nothing to do with the matter, because, in the relief which annually took place, and the shifting of regiments from one station to another, the relative proportions of Protestants and Roman Catholics at each place must, of course, be constantly shifting also. At one time there might be a Highland regiment, composed in greater part of Presbyterians, and in the next year the same station might be occupied by another with a large proportion of Roman Catholics; and therefore any argument founded upon the particular numbers occupying a particular station at any given moment would be entirely fallacious, because the numbers themselves were fluctuating and temporary. With respect to the case which the hon. Gentleman had mentioned, of a Roman Catholic priest at the Cape of Good Hope, who had not received the stipend to which he was entitled, and who said that the amount was so small that he had been ashamed to ask for it, it might be that his not having asked for it accounted for his not having received it—at any rate he would inquire into the circumstances, and endeavour to ascertain the reason of what at this moment he confessed himself unable to explain. But he was sorry to say that, if this miserable pittance shocked the Roman Catholic priest, it must also shock the Protestant clergyman; because, although it was true that at the large stations, where permanent chaplains existed, the salary was of higher description, yet the payment per head in many instances—as well in the case of Protestants as in that of Roman Catholics—was as low as *5s.* per week for fifty men. It was perfectly true, that where there were fewer than thirty men, no chaplains were appointed; but this did not justify the inference that the Government had no care for the soldier's soul, for the fact was, that when the number was so small there was accommodation for them in the place where they were—either in church or chapel, as the case might happen to be—and he would not do so much injustice either to Roman Catholic priests or to Protestant clergymen as to suppose that they would refuse, for the sake of so small an addition to their flocks, to minister to the soldiers in their parishes or in their neighbourhoods, even though they would receive no stipend from the State. The hon. Gentleman must recollect that they were dealing, not so much with large masses of men, as with an Army distributed according to the exigencies of the public service, at a vast number of stations, and that if they were to extend their arrangements so as to include the appointment of a chaplain for every small detachment, they would swell this sum of 18,000*l.* to an amount so large that the House would refuse to grant it. Coming now to the case of Chatham, with which he happened to be acquainted, the hon. Gentleman had, first of all, complained that the Government had not consented to give the ground, and to build a chapel for the Roman Catholic soldiers. This was true, and he could not give him any hope that the Government would ever consent to that arrangement. He did not think it was the duty of the Government to give ground or to build chapels for congregations of any description. They were building, however, out of the public funds, what was called a chapel school. This, however, stood upon a very different footing. It was built, as he had said, out of the public funds, which were contributed by all denominations. It was built as a school, and it was not consecrated, although it was true that it did, in its external appearance, somewhat resemble a chapel, and that it had, what were said to be peculiar to Protestant places of worship, a pulpit and a font. It was open, however, as a school throughout the week without religious distinction, and on Sundays he thought it perfectly just and fair that the clergyman of the Church of England and the Roman Catholic should perform divine service in it in turn, to such portions of the troops as were attached to their respective communions. With respect to prisons he was entirely of opinion that when persons were confined, and were unable, on that account, to have access to the ordinary ministrations of religion, care ought to be taken to provide them with spiritual instruction and advice. He had put himself in communication upon that subject with his noble Friend at the head of the Home Department, and he hoped that, in concert with him, such regulations would be made as would ensure that object being properly carried out. The hon. Gentleman complained that the Roman Catholic was not put upon the same footing as the Protestant. He admitted, as far as it was possible for any man to do, the necessity of giving to the soldier, whether Roman Catholic or Protestant, every facility of access to religious instruction, and to such religious instruction as his own conscience would approve. But the hon. Gentleman said that the Roman Catholics would not put themselves under the restrictions which were imposed on an Established Church. They refused to submit to the advantages which such restrictions would subject them to, but they asked, at the same time, to have all the advantages of an establishment.

Mr. LUCAS: What I say is, that if you build chapels for Protestant soldiers, you ought to build them for Roman Catholic soldiers also.

Mr. SIDNEY HERBERT had explained exactly what had been done. No doubt, in some old garrisons there were consecrated chapels, which could not be diverted, and ought not to be diverted, from the purposes for which they had been set apart; but with respect to the buildings which had recently been erected, they were schools, built as schools, and used as schools on week days, and on Sundays available for the purpose of religious worship to members of the Church of England, Roman Catholics, and Presbyterians, in turn. He did not think he need detain the House with any further observation. The hon. Gentleman had himself admitted that he did not think the Roman Catholic priest required the same amount of salary as the Protestant clergyman, because the fact of the one being generally married, and charged with the maintenance of a family, while the other was bound to a life of celibacy, placed them in very different circumstances. He (Mr. Herbert) had been endeavouring to put this matter on a better footing; he had been anxious, wherever it was possible, to arrange for fixed stipends, not only in the case of Roman Catholic clergymen, but in reference to those of other religious denominations. He was desirous to make every concession that was just and fair, and to give to the soldier every means of religious consolation which it was possible to secure to him. He should continue his exertions for that object; he should endeavour, also, to put the prisons and schools upon a sound footing; and, although he despaired of satisfying the hon. Gentleman opposite to the extent which he asked him to go, he did not despair of making his efforts acceptable to the great body of those who took an interest in the subject.

Sir JAMES GRAHAM said, perhaps it might be convenient that he should follow his right hon. Friend in replying to the observations which had been made by the hon. Gentleman with respect to the sister service—the Navy. With regard to the Navy, the hon. Gentleman had not entered into many details; and as to his facts he (Sir J. Graham) should not pretend to offer any observations. The hon. Gentleman had talked of going to the root of the evil. The root of the evil, with respect to the naval service, was, that the established religion of this country was the Protestant religion; and that, inasmuch as on board ship it was not possible to make provision for more than one form of religious worship, the provision made in all Her Majesty's ships was for the established religion of this country, being Protestant. It was well understood, therefore, why 50,000*l.* should appear in the annual estimates for payment of the clergy of the Protestant religion, and why the provision was so small for the priests of the Roman Catholic religion; the fact being, that provision was only made for one chaplain on board each ship, it being utterly impossible to admit on board one ship two ministers of two opposite religions, for the purpose of administering religious instruction to the sailors on board. Until, therefore, Parliament should enact that the religious service on board ship should not be according to the principles of the Established Church, he could not hold out any hope to the hon. Gentleman that any such provision as he had proposed would be made for the Catholic religion. He was well aware of the good-will, and, he would say, cordial feeling that existed on the part of the Catholic population towards the Sovereign and the Government of this country, at the present time more especially, and he was fully sensible of the valuable services which the Roman Catholics had rendered on board Her Majesty's ships; but, while he willingly and cheerfully made these acknowledgments, there was one thing which he could never do—he could not hold out expectations which he believed were delusive, and he could not hold out hopes which he knew would be disappointed. The hon. Gentleman had referred to an order which had been issued by the Board of Admiralty soon after he (Sir J. Graham) came into office with respect to the form of objections to be stated by Roman Catholic parents, in order to exempt their children from being taught in the Protestant schools the same as in the Army, which required that the objection should proceed from the parents of the child, otherwise the child would be taught in the Protestant school. The hon. Gentleman objected to that provision; but the principle on which it was formed was obvious. From the earliest period there had never been any difference made in the religious creed of men on their first entry into Her Majesty's naval service. The question was never put as to what was the creed of those who voluntarily entered the naval service. He conceived, therefore, that the objection to the children being educated in the Protestant religion ought to be made by the parents. It was not right that any provision should be made by previous inquiry into the creed of those parents, but which, if made, would render any objection on their part unnecessary. He felt bound to tell the House that in harbour sufficient facilities were not afforded to Roman Catholic sailors for attendance at divine service on Sundays according to their own religious faith. At Malta full provision had been made by the Board of Admiralty that on every Sunday morning the sailors of the Roman Catholic creed should have facilities afforded them for attending chapel. He was now in communication with the heads of the Roman Catholic Church, for the purpose of considering whether arrangements might not be made in the principal naval arsenals of this country—Portsmouth, Plymouth, Queen's Town, and Sheerness—for the purpose of providing facilities of attending, if not on shore, in the harbour, religious worship by the Roman Catholic sailors on Sunday mornings. With respect to hospitals provision had also been made for the attendance of the priest on the sick Roman Catholic inmates of the four principal naval hospitals in this country; but in regard to hospitals abroad no such provision had yet been made; but he was also at this moment in communication with the head of the Roman Catholic Church as to the best means of providing such religious service in those hospitals. He could not conclude his observations without begging the House to remember, that the question brought forward by the hon. Gentleman was surrounded with many and great difficulties; and that, whilst the religion of this country continued to be Protestant, and until the Legislature decided that the Protestant service should not be provided in Her Majesty's ships for Protestant sailors, the hon. Gentleman could not hope to accomplish his wishes in favour of the Roman Catholic sailors.

SUPPLY—ARMY ESTIMATES.

House in Committee of Supply,

(1.) 15,000 Land Forces, further number of men.

Mr. SIDNEY HERBERT said, he rose to move a Supplemental Estimate, of which notice had been given on a former evening. After the statement which the noble Lord the Member for London had already addressed to the House, it was altogether unnecessary to trouble the Committee with any detailed explanation of the object of the Estimate. It would be recollected, also, that he himself, on introducing the Army Estimates, had communicated the reasons which rendered necessary an additional Estimate over and above the number of men which had already been voted. Although the Estimate formed only one item in the paper, he would ask the Committee to vote it in three items, in order that these might be posted under their proper heads in the general Estimates, with the view of facilitating comparison in future years. In the first place he would move that an additional number of men, not exceeding 15,000, be maintained for the service of the United Kingdom for the year ending the 31st of March, 1855.

Colonel DUNNE wished to know whether it was intended to make an addition to the number of regiments, or to increase the strength of the companies in each regiment?

Mr. SIDNEY HERBERT said, it was

intended that the fresh men should be added to the existing companies. It was thought that additional officers would not be required at present; but should it be found desirable to employ any, they would be taken from the half-pay list.

Mr. W. WILLIAMS said, he felt it necessary, in the exigency in which the country was placed, to repose confidence in Ministers, and he gave them credit for not demanding a larger force than was required. He approved the intention to call officers from the half-pay list into active service.

Sir JOHN PAKINGTON observed that, although the right hon. Gentleman had answered the question of the gallant Officer (Col. Dunne), he had not explained how the larger additional number of men which he asked for was to be distributed.

Mr. SIDNEY HERBERT said, that the greater portion of the new force would be absorbed in the existing regiments by raising the number of each company. A considerable number would also be kept in reserve for casualties in connection with the regiments on foreign service. He thought it would be unnecessary to appoint new officers, except for the superintendence of combined depôts, in which it was thought that recruits would be brought forward more rapidly than in isolated depôts scattered over the country.

Vote *agreed to*, as were the following:—

(2.) 500,000*l.*, further Charge of Land Forces.

(3.) 70,000*l.*, General Staff Officers.

(4.) 600,27*l.*, Commissariat Department.

(5.) 44,302*l.*, Half-Pay in Commissariat Department.

House resumed.

The House adjourned at Ten o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, March 6, 1854.

THE CRIMINAL LAW BILLS—QUESTION.

Lord ST. LEONARDS said, that he rose for the purpose of asking his noble and learned Friend on the woolsack what were the intentions of Her Majesty's Government in regard to the Criminal Law Amendment and Consolidation Bills? The question itself was contained in a few words, and the answer to it might be given in fewer still; but inasmuch as such answer might involve very important results with reference to the consolidation of the criminal law, he should endeavour, as briefly as possible, to put the House into possession of such facts as were necessary to elucidate the position in which the matter at present stood. Without going very deeply into precedents, he would commence by reminding the House that in the year 1816 both Houses of Parliament presented an address to the Prince Regent, praying that he would direct that some proper means should be taken to have the Statutes in connection with this subject arranged. That was all the address prayed. In answer to such address of both Houses of Parliament, the Prince Regent promised that proper steps should be taken to carry out the wishes of Parliament in this respect; but, notwithstanding such assurance, no steps were taken in the matter until the year 1831, when a Royal Commission was issued, by which the Commissioners to be appointed were directed to inquire whether the statute law in reference to criminal offences, and the common law also, could not be consolidated and combined. The Commissioners appointed made their Report in the year 1835, in which they stated that they highly approved the plan of consolidating the statute, or written law, and the common law, or unwritten law, into one Statute. In consequence of this Report, and the approval of the Commissioners so expressed, Lord Melbourne wrote and told them to proceed with the consolidation of such laws. In pursuance of such letter the Commissioners made seven more Reports, which, with the former one, made up eight Reports altogether, extending over a period of ten years, and these Reports, drawn up as they were by learned and efficient men, might be received as most valuable treatises on the subject with which they dealt. Agreeably to the instructions they had received, the Commissioners proceeded to digest the statute law, and the unwritten or the common law; and the effect of their doing so was, that they were enabled to frame two admirable digests, which might be turned into Acts of Parliament—the one digest embodying the statute and the common law respecting crimes and punishments, and the other consolidating the law of procedure so far as it related to indictable offences. Thus far matters proceeded down to the year 1845. In this year another Commission was issued, and the duties of the Commissioners appointed under the same were, to revise, as it were, what the previous Commissioners had done; and it was but just to say that the second Commissioners performed their duties with the same diligence, activity, and zeal as did the first Commissioners. The second Commissioners made their Report in 1845, and stated in the same that they highly approved the amalgamation of the statute and the common law, and that it would be of the greatest advantage to the country, and they drew up a full Report relative to the same. They issued four more valuable Reports, and framed two Bills, one relating to criminal offences and their punishments, and the other relating to procedure. Their labours ended in 1849. There the matter stood for some time, until his noble and learned Friend (Lord Brougham) came forward and took it up. His noble and learned Friend then laid on the table of the House a Bill on the subject to much the same effect as what was recommended by the Commissioners, but subsequently withdrew such Bill, and laid another one on the table, which was called Bill No. 2. That Bill went before a Select Committee, who postponed the consideration of it till the next Session, for the purpose of having the opinion of the Judges taken relative to it. His noble and learned Friend, having considered that it was advisable to renew the Commission on the subject, applied to Government relative to the same, but in this view the then Government did not concur. His noble and learned Friend, if he remembered correctly, felt so strongly on the subject that he offered, sooner than not have the Commission, to defray the expenses of it himself, an offer which he (Lord St. Leonards) thought was very properly refused; since, if the Commission were desirable, the expense of it ought not to fall on an individual; and, if it were not desirable, it ought not to be granted at all. In 1852, when the noble Earl (Lord Derby) was in office, his noble and learned Friend (Lord Brougham) again applied to have the Commission renewed, but he (Lord St. Leonards), having very carefully and anxiously considered the matter, thought it would be better not to renew the Commission, but to introduce a Bill on the subject; in doing which he felt bound to say that he had received from his noble and learned Friend on the woolsack all the aid which his authority could procure for him. He himself had given to the measure all the attention which the importance of the subject demanded, and the new Bill was framed with the aid of the former Bills by the persons deemed most competent to the task, from their intimate and accurate knowledge of the criminal law. The matter then had been thoroughly considered, and there had been five Reports of the second set of Commissioners on the subject; so that there were in all thirteen Reports, extending over a period of fifteen years, and all that labour and learning could accomplish was brought to bear on the subject. His Bill was read a second time, and sent upstairs to a Select Committee, on which Committee were the noble and learned Lord on the woolsack, his noble and learned Friends Lord Brougham, Lord Lyndhurst, Lord Truro, and other great authorities, among whom he might mention the lay Lords who had attended, and who displayed a judgment, a knowledge, and a discretion upon and an attention to the subject which did them the highest credit. This Committee had sat twelve days, and, curiously enough, the only two definitions that were left open for further consideration by them were those of murder and manslaughter. It was intended at first to divide the law into several heads, but ultimately to establish one law. The Bill, however, went over the close of the Session, upon the understanding that he (Lord St. Leonards) was to submit the Bill for correction to the Judges, and for this purpose he, as Chairman of the Committee, had written a circular to all the Judges relative to the wishes of the Committee, and asking them to favour the Committee with their opinions on the Bill. He received no answer to these letters, but on the 1st of October his noble and learned Friend on the woolsack addressed himself a letter to the Judges, and requested their opinion on that and some other Bill, and expressed a hope that such Bills would be proceeded with during the present Session. With that step he had no fault to find, although he was not aware that any such step had been taken; but on the 15th of December his noble and learned Friend addressed another letter to the Judges, in which he introduced a different question, for, after alluding to the difficulty of the subject, and making reference to what was called No. 1 Bill, he asked the Judges their opinion whether, considering that Bill, and taking it as a fair specimen of the degree of precision and accuracy that would be required in consolidating the Statutes, they thought it desirable that that measure should be passed? His noble and learned Friend, whose attention had been directed to the subject of consolidation generally, had probably seen some reason to alter the opinions he had previously entertained, but he was not aware that in Committee his noble and learned Friend had ever expressed any opinion against the consolidation of the written and unwritten law, so far as regarded criminal offences. Shortly after the commencement of the Session he received, in common with their Lordships, a printed paper containing the opinions of the learned Judges on this question. The result of their answer was, that it was not desirable to make a formal codification of the written and unwritten law—that was to say, that it was not desirable to consolidate the statutory and common law as regarded criminal offences. This, and the opinion which had been expressed by his noble and learned Friend, led to the very important question—and the answer which he received from his noble and learned Friend would inform him what was the course likely to be taken by that House for some time to come—with respect to a codification of those laws. He was bound to say that he had always been opposed to codifications, but, after all that had taken place, and the House having taken up the question, he had thought it his duty to attempt the codification of the criminal law. The question now was, whether they were to have codification or not. Different Commissioners had, at different times, taken different views of the question; for, with reference to the unwritten law, it had been stated at one time that it could be digested much easier than the written law, whereas at another time directly the reverse was stated. The grounds on which, in a few words, he had been against codification were, that our language did not afford them the power of so accurately expressing themselves that they could be sure they would not exclude very important points and questions. They could never do so without taking great liberties with language, either as regarded the statutory or common law; and, as an illustration of what he meant, he might refer to one of those very Bills where—though no man living had the slightest difficulty as to what constituted murder and manslaughter—one of the greatest difficulties in the Committee was, what the definition of murder and manslaughter should be. The *History of the Justinian Pandects* and the *Code Napoléon* afforded them useful lessons upon this question. If you were to begin to-morrow, as Rome did with her twelve tables, you might end as she did in Justinian's time, when it would have required many camels to carry the laws of the empire and its comments. Justinian framed a code, digest, and institute, and he would, if he could, have destroyed all the previous commentaries and digests: he prohibited any comment on his Pandects, but he was compelled quickly to add himself new laws, and to improve his work. Time accomplished what he could not, when a copy of the digest was discovered or brought forth in 1130, unaccompanied with much previous learning; but there soon followed what has been described as "a mighty inundation of voluminous comments, with which this system of law more than any other is now loaded." Let us now look at the *Code Napoléon.* It was supposed that every man would have the whole law in his pocket, if not in his head. The French lawyers sold their law-books as waste paper, and had rapidly to buy them back at a different price. The Code left a vast body of old laws and regulations in force, and a very few years after the Code, a French lawyer of eminence stated in print that the Code, like the Pandects, had already produced treatises, commentaries, &c., which would load many camels. The framers of the Code were aware of the difficulties with which they had to contend. They observe in the preliminary discourse that a code, however complete it may appear, is no sooner enunciated than a thousand unexpected questions arise before the Judge. For the laws once digested remain as they were written. Man, on the contrary, never rests; he is always in motion; and this movement, which never stops, and of which the effects are variously modified by circumstances, produces at every moment some new combination, some new fact, some new result. A multitude of things are therefore necessarily abandoned to the rule of custom, to the discussion of learned men, to the arbitrament of Judges. He might be allowed to make one quotation from the discourse:—

> "L'office de la loi est de fixer, par de grandes vues, les maximes générales du droit, d'établir les principes fécondes en conséquences, et non de descendre dans le détail des questions qui peuvent naître sur chaque matière. C'est au magistrat et au jurisconsulte pénétrés de l'esprit des lois à en diriger l'application."

They attempted only to establish general principles, although of course they entered into many details. The question before the House bore upon the undertaking of his noble and learned Friend on the woolsack to consolidate the general statute law. He found no fault with the step which his noble and learned Friend took when he appointed several barristers to assist him in the undertaking which he had commenced; nor did he now find fault with him in so far as he had taken measures to see what could be done in the way of legislation; but he was bound to say that he should wholly object to the continuation of the present Board, as he believed they called themselves, without some considerable modifications. There had been no instance in which either House of Parliament had approached the great question of the consolidation or codification of the Statutes in which a great deal of solemnity had not been observed. In 1816 there was an address to the Crown simply to arrange the Statutes—that was the phrase then used—and when Lord Bacon spoke of consolidation, he proposed that it should be considered by persons appointed by both Houses of Parliament. Now what had the Government done in the present instance? His noble Friend had appointed a number of gentlemen who filled no proper office. The papers which were furnished to that House were headed, "The Statute Law Commission: Second Report of Mr. Bellenden Ker to the Lord Chancellor, on the proceedings of the Board for the Revision of the Statutes." Now, there was really no Board, and no Commission appointing them. The appointment of a number of individuals by the Lord Chancellor to undertake so great a work as this was not a proceeding to be encouraged. The Lord Chancellor was no doubt placed in a painful position as to the reform of the law. He had not a single person to assist him in the preparation of any measure he might desire to initiate, or in the consideration of any measure before the Legislature. The Chancellor had no power to appoint a Commission, and if the plan was to go on, the Crown or Parliament should make the necessary appointments. He would say no more on this subject, as he collected from the gestures of his noble and learned Friend on the woolsack that it was not his intention to continue the Board beyond the current year. The Lord Chancellor was compelled to go to the Treasury to ask them for money to employ persons to do the necessary work, and to assist him with their counsel. He did not think a Board ought to be continued at a great expense; but he would press on the Government, just as he should have done on the Government of his noble Friend (the Earl of Derby), had he been in office, the absolute necessity of appointing a conveyancing counsel for the department of the Lord Chancellor. It was impossible he could do his duty effectually without such aid. When the court of appeal was established, the intention was thereby to give greater time and liberty to the Lord Chancellor, not only to attend in that House, but to consider legal measures—to consider calmly and gravely the questions involved in the Bills which were laid upon their Lordships' table. When the Minister of the day went to the noble and learned Lord who might be on the woolsack, and asked him what he thought of such and such a Bill, the Lord Chancellor was often obliged to say that he knew nothing about it. Now, if they wanted the opinion of the Lord Chancellor, they must not only give him time, but give him aid. It was an absurdity that the Home Office should have the benefit of counsel, and that the department of the Lord Chancellor should be without such assistance. It seemed, indeed, very strange that the Lord Chancellor, on whom the responsibility of all legal measures should rest, had no one to assist him in the discharge of so important a duty. Only the other night there was before their Lordships a Bill to consolidate the law of landlord and tenant in Ireland. That Bill was sent to a Committee, which the Lord Chancellor found himself unable to attend. Now, no such measure ought to pass without receiving the attention of the Lord Chancellor; but if he had the aid of counsel, who could draw his attention to that which was most material in a Bill, he would be able in a very short time to make himself master of all such measures. He was desirous to see such a consolidation of the statute law as would be carried forward in an enlightened spirit. Now, no one could be more desirous than himself to effect this object. But he very much dreaded a mere consolidation of the statute law by a number of persons sitting down in a room to do it. What he thought was a consolidation of the law worth having was, when there were parties who were looking to the improvement of a particular branch of law, and who perfectly understood the working of the law as it now stood; they could then obtain from these parties suggestions for the amendment of the law, and they might, as in the case of the Lunacy Act which was passed last year, pass an Act at once consolidating and amending the law, which would be of the greatest advantage. He called that a consolidation of the law worth having, which was brought about in a particular branch of it by persons who perfectly understood the operation of the law as it stood. If it was once understood that the head of the law was associated in the consolidation of the law, and that it proceeded under his guidance and direction, they might depend upon it there was no important branch of the law in which they would not find persons competent to make the necessary improvements. In the second Report of the learned persons who had been appointed by the Lord Chancellor to consider this question of consolidation, there was something said of re-writing the law, and this expression was used more than once. This made him (Lord St. Leonards) tremble, for in consolidating the law they must follow the very words of the law they consolidated, or else they must have new decisions on every consolidation they made, and thus the greatest mischiefs might arise. Every man who desired, as the phrase went, to drive a coach and six through an Act of Parliament, looked to see how the phraseology of an Act was altered in order to carry his object. He should therefore look with alarm at any attempt at re-writing the law. There was also a suggestion that the draughtsmen of the new consolidated Statutes should make amendments. Now, certainly, that was a power that he would not concede to any draughtsmen, unless they were under the direct control of the head of the law. He should be glad to know who would look over these laws when they were consolidated? Why, no one. It would be the interest of no one to do so. If they were undertaken without the concurrence of the persons who were interested in the subjects to which they related, they would be considered as mere consolidations of the law; people in general would take it for granted that the law would not be altered; and they would not be undeceived until questions arose upon the alterations in the language of the Statutes which had been introduced in the progress of consolidation. He would now conclude by asking his noble Friend on the woolsack what Her Majesty's Government proposed to do in regard to the Criminal Law Amendment and Consolidation Bills?

Lord St. Leonards

THE LORD CHANCELLOR said that, in answering his noble and learned Friend's questions as to what were the intentions of the Government with respect to the Bill for the consolidation of the criminal law, he regretted that he should be compelled, to some extent, to restate what he had already stated on more than one occasion during the present Session. His noble and learned Friend's observations, coming as they deservedly did with the weight of such an authority, related to two entirely different subjects: first, to the Bill that was introduced by himself in the last Session of Parliament for the consolidation or codification of the Criminal Law on a particular subject—that of offences against the person; and partly to the general consolidation of the Statute Law.

He did not mean to follow his noble and learned Friend's very accurate statement as to what had been done with respect to the first of these subjects. His noble and learned Friend has stated that no fewer than thirteen or fourteen Reports of successive sets of Commissioners had been presented during the period from 1835 to 1850. In accordance with the recommendations of these Commissioners, two Bills had been framed; one relating to procedure, which he put out of the question for the present, and another Bill which it was intended should contain all that constituted crime in this country, and all the punishments that could be inflicted for the various offences recognised by the law. This was to be, in effect, the criminal code of England, so far as related to crimes and punishments. That Bill having been framed, an attempt was made in two successive Sessions by his noble and learned Friend behind him (Lord Brougham) to pass it by a simple enactment that from and after the passing of that Act it should be the criminal law of England; that whatever was there prohibited should be taken to be prohibited by that Act, and that whatever was not prohibited should be taken to be permitted. He did not mean that these were the words of his noble and learned Friend, but that was his meaning. When that Bill was introduced, he (the Lord Chancellor) had not the honour to hold the post he now occupied; he was one of the common law Judges, and he remembered that the proposal struck him as one fraught with very great danger. Let their Lordships just remember the difficulty there must be in any one's having made himself so thoroughly master, not only of what was in the Bill, but of the whole possible range of offences, that he could be prepared to enact that nothing that was not there prohibited should be considered a crime. At the same time, he did not entertain the aversion to a code which seemed to be entertained by his noble and learned Friend (Lord St. Leonards). He should certainly have the same feelings which his noble and learned Friend had expressed, if by a code he could understand something that was never to be amended or elucidated. He understood by a code very much the same thing that was described in the prefatory discourse to the *Code Napoléon*, something that should enunciate general principles on which the courts might act, and which might be modified, when circumstances arose to require it. If they could but get competent persons to reduce the law, or any portion of it—such as the criminal law—into such a code, he could not but think it must be highly advantageous; and therefore, when his noble and learned Friend (Lord St. Leonards) announced his intention to introduce a fragment of the Bill prepared by the Commissioners—relating only to one class of offences, those against the person—he (the Lord Chancellor) told him that he would have his entire concurrence, and that he was glad to find he was making the attempt. When he (the Lord Chancellor) succeeded his noble and learned Friend on the woolsack, he immediately asked him if he intended to proceed with that Bill, for that, if he did not, he (the Lord Chancellor) would. His noble and learned Friend being, however, not only ready, but willing and desirous, to take the responsibility of carrying out what he had introduced, he (the Lord Chancellor) told him that he should have his cordial support, and any assistance which, from his position, he might be able to afford him. His noble and learned Friend worked hard at the Bill, which was accordingly introduced, and, after having been read a second time, was referred to a Select Committee, which was attended, not only by the law Lords, but by a number of other Peers who were perfectly competent to enter upon the general question. From them the Committee derived great assistance; and he desired to impress upon their Lordships that it was impossible for any measure to be more carefully considered than that Bill had been. The Committee did not quite finish its labours, in consequence of the absence of his noble and learned Friend the Lord Chief Justice on circuit, and of the illness of Lord Truro, who had kindly undertaken to see if he could not form some more satisfactory definitions of the offences of murder and manslaughter than were contained in the Bill; the Bill, however, was reintroduced into the House at a late period of the Session, and printed as it had come from the Committee, though no doubt it required some not very extensive amendments to be made. His noble and learned Friend had stated that he (Lord St. Leonards) was authorised to write to the Judges on this subject; no doubt it was so, though he did not remember it: thus the matter stood at the close of the Session. In the course of the long vacation, he (the Lord Chancellor) looked over the Bill most assiduously, and he must confess that he was staggered at the difficulty of the task that they had undertaken. He could not but see that there were great doubts with respect to some of the definitions; that, however rude and unartistic might be some of our present definitions of offences, they practically did very well; and he could not help having some misgivings whether the more scientific definitions suggested by the Commissioners might not be the means of introducing uncertainty into the law, administered, as it must be, not only by the Judges, but also by inferior tribunals. Influenced by these considerations, and not knowing that his noble and learned Friend had already taken that step, he (the Lord Chancellor), about the middle of the long vacation, wrote to the Judges in general terms, requesting their opinion on the Bill, which he sent to them; not meaning to be bound by what they said, but feeling it was desirable to know what they thought on the subject. Not receiving any answer from them to his first letter, about the beginning of December he wrote to them again, more pointedly asking them for their opinion. That letter had already been printed, and was now before their Lordships. What he meant to convey, and what he believed he did convey in that letter, was that he had found the task one of great difficulty; that if it was intended to prosecute the plan of the Commissioners, it was necessary to have the Bill made as perfect as possible; and that he therefore wished to know whether, assuming that the whole criminal law, as far as related to offences and punishments, was to be formed into a code by one or more Statutes, and taking the Bill submitted to them as a fair specimen, or nearly a fair specimen, of the degree of precision it was possible to attain—whether it was their opinion that it would be a course likely to produce benefit in the administration of justice, or the reverse? Before the meeting of Parliament he received answers from all the Judges, and on a very early day in the Session he laid them on the table of the House—they had now been in the hands of their Lordships several weeks. His noble and learned Friend now asked him what course the Government intended to pursue with respect to this Bill. Well, perhaps in strictness he might reply to that question by saying, *Litem lite resolvo!* and by reminding his noble and learned Friend that it was in truth his Bill, and asking him what course he intended to pursue. Although, however, that was in truth the case, he did not intend to shrink from the responsibility either of the Bill or of the Committee of last year. He did not like, even in his own mind, to say too much with respect to the difficulty attendant upon the Bill of last year, lest he should come to the consideration of the subject with a mind too much prejudiced. He did think, however, that before the Bill was abandoned they should again have a Select Committee—not merely the same Committee, but with such other Lords as might feel desirous of assisting them—to reconsider it, with the Judges' opinions and their report upon it to the House. If it was the opinion of such a Committee that it was idle to proceed with the measure, he could only say that they had done the best they could, and that they abandoned it only because it was found that it would turn out impracticable. He could not but fear that that might be the result; but he did not like to abandon the attempt to legislate upon a subject which had occupied the attention of the public for more than twenty years, without making a final inquiry as to whether the circumstances would justify such a course. His intention, therefore, with respect to this Bill was to move that the Bill, together with the Judges' opinions, should be referred to a Select Committee, who should report upon the subject to the House.

His noble and learned Friend had then gone on to make some observations with respect to the consolidation of the statute law. He had more than once stated his opinions as to this subject, and he would endeavour with as little repetition as possible to do so again. He was bound to say that this question seemed to him to stand upon quite a different footing to that occupied by the one they had been just discussing. If he felt distrustful as to the possibility of codifying the whole criminal law, that did not lead him to the conclusion that a great deal might not be done to consolidate great portions of the statutes, both relating to the criminal law and otherwise. He believed also that, without carrying into effect the complete codification to which he had referred, a good deal of amendment might be introduced into the criminal law without the least difficulty in the course of consolidating the Statutes. Many of those amendments were pointed out in the papers now before their Lordships, and he would ask, even if it was found impossible to convert the criminal law into a code, what there was to prevent them from following the recommendation of the Commissioners as to consolidating the law, and putting it into the form of amended Statutes? In taking that course they would only be doing what was done by Sir Robert Peel thirty years ago. With regard to what his noble and learned Friend called "the Board for consolidating the Statute Law," which had been appointed by him (the Lord Chancellor) last year, he had only to remark that, if they had called themselves a Board, he supposed it was only for want of having any other name by which they could designate themselves. What he stated at the beginning of last Session, soon after he succeeded to the Great Seal, was, that he thought it would be extremely useful and not very difficult to consolidate large portions of our statute law. A reference had been made to a Commission on the criminal law, which made a very learned and elaborate Report in 1835, as to how far it might be desirable to consolidate the statute law. There was also an Address from both Houses in 1816 upon the same subject; and Lord Lyndhurst had the other evening stated a variety of other periods at which a consolidation of the law had been contemplated. What he (the Lord Chancellor) stated at the beginning of the last Session was, that he thought it would be better, instead of issuing a new Commission, to get a number of working and practical men to give them specimens of what could be done in the way of consolidating the statute law, by so dealing with two or three subjects, and thus enable the House to judge from the specimens they produced how far the course was one which it was advisable to pursue further. He never, however, had the least idea of continuing the employment of these persons. In a letter which he wrote to them at the commencement of their labours he told them that their engagement was to be for only one year; and that under the direction of Mr. Ker, who was in some degree at their head, they were to attempt to consolidate some few branches of the law. The term of their services expired at the end of the present month, and he (the Lord Chancellor) should then receive from them whatever specimens of consolidation of branches of the statute law—with here and there a little common law, as convenience dictated—they might have completed; and should see whether he could honestly recommend them to the adoption of their Lordships. If that was not the case—although it would be a mortification to him, as he intended this should be a proof to their Lordships that he was doing something useful—he should not feel warranted in pressing the matter forward; but if, as he expected, he found from these specimens that they had been able to consolidate some of the branches of the statute law in a useful form, and one which he could recommend to the adoption of the Legislature, he should not proceed with this experimental body of gentlemen acting under himself—a method of proceeding which he should not have adopted but from considerations of expense—he should propose that certain Members of that and of the other House, with some of the Judges, should form a standing Board, under whose superintendence the consolidation of the statute law should be proceeded with. He did not mean to say that he had yet matured in detail his scheme for the direction of the future proceedings; because the first thing was to see what could be done; and that was a question that could only be answered when they saw what had been done during the last year. He had now answered the questions of his noble and learned Friend. As to his suggestion, that he (the Lord Chancellor) should have a standing counsel, he must say that it had never occurred to him; it was, however, well worthy of attention, and should have his best consideration. His noble and learned Friend seemed to think that he (the Lord Chancellor) had not done too little, but too much; by which he supposed it was meant that he had attempted to do too many things, and did not properly economise his time so as to apply it to the proper objects. His noble and learned Friend had said that when the Lords Justices were empowered to hear appeals in Chancery, it was intended that they should lighten the duties of the Chancellor by despatching a good deal of the appeal business of the Court of Chancery. But although it might be said that one object of the appointment of the Lords Justices was this—to give the Lord Chancellor time to devote to other duties—he thought there could be no doubt that one great object of that measure was that appeal cases in Chancery should be heard by the Lord Chancellor, together with the Lords Justices, whenever that could be done. During the two terms when their Lordships' House was not sitting, he had adopted the rule of sitting with the Lords Justices four days a week, sitting alone the other two days. When the Session approached he certainly did take two or three holidays, if he might so call it, from Court, in order to devote himself more attentively to one or two of the Bills that were then under discussion, or were about to be introduced into that House—such as the Testamentary Jurisdiction Bill, the Common Law Amendment Bill, and one or two Bills of minor importance. During the Session of Parliament, he did not sit with the Lords Justices except on rare occasions—either when the parties had desired that their cases might be so heard, or when the Lords Justices thought that his presence with themselves might be desirable. If he had misinterpreted his duty as Lord Chancellor, he was sorry for it; but he had acted according to what he considered the proper interpretation of the Act which constituted the Lords Justices. His intention then was to move, on an early day, the appointment of a Select Committee to consider the Bill of last Session, with reference to the opinions of the Judges, and to report their opinion as to what ought to be done.

LORD BROUGHAM said, that he had heard with a degree of pain, which he much feared, if not confined to himself, was shared by but few of their Lordships, the speeches of his two noble and learned Friends; because he could not help feeling that, after their statement of the conclusions at which they had arrived, this great object of giving to the people of England the inestimable benefits of a code of criminal law in its two branches—a code of criminal law touching crimes and their punishments, and a code almost more necessary than that, a code of criminal procedure—that this favourite object of all friends of the amendment of the law, of the good government of the country, and of the happiness of the people — that this favourite object, if not now taken from their grasp at the moment when they believed it to have been almost attained, was, at least, exposed to new and imminent hazard. He agreed with his noble and learned Friends in the tribute which they had paid to the learning, ability, and astuteness of the learned Judges, and with them he felt grateful for the reports which those learned persons had made in answer to the letter of his noble and learned Friend (the Lord Chancellor); by those answers he thought that they might materially benefit in their proceedings in this great matter. He had, however, one objection to make to what he believed to have arisen from inadvertence on the part of his noble and learned Friend—namely, that, after the Bill had received the assent of the House by its second reading having been agreed to time after time, and its principle solemnly sanctioned, he should have referred it to the Judges to give their opinion on the general question, whether or not there ought to be a code or digest of the law. He said that the Bill had, again and again, been read a second time, because, as his noble and learned Friend (Lord St. Leonards) had stated, the present measure was but a fragment—into which considerable and very valuable improvements had been introduced—of the Bills formerly brought in by himself (Lord Brougham), and laid upon the table of their Lordships' House, and which had received the sanction of the House, by being read a second time, and referred to Committees for the purpose of being further proceeded with after the details had been arranged. His noble and learned Friend (Lord St. Leonards) had been very accurate in his statement, and he had only omitted to state a fact of which, from not having been then in the House, he was probably ignorant —namely, that the reason why the Bill introduced in 1845 was not proceeded with in that year was, that his noble and learned Friend then on the woolsack (Lord Lyndhurst) recommended that it should be referred back to the Commissioners, to whom should be added one or two new members, in order that fresh minds might be brought to the consideration of the details of the measure, and the risk of error or oversight be avoided. The Bill underwent this revision, and, after various amendments had been made, it was reported to the House considerably improved. He (Lord Brougham) then had charge of the Bill; it was cordially supported by his noble and learned Friend then Lord Chancellor, and was referred to a Committee. As Chairman of that Committee, he (Lord Brougham) corresponded with the Judges, sending to them copies of the Bill, and of the Reports of the Commissioners in which it had originated. Whether it was that the learned Judges were alarmed at the mass of papers, or that, from their other occupations, they had not time to consider the details of the Bill, certain it was that from only one or two of the English Judges did he receive any answers. Answers containing very valuable suggestions as to the details of the measure were, however, received from the Scotch and from some of the Irish Judges; but it was then too late to proceed with the Bill that Session. During the next Session the code of procedure was presented by the learned Commissioners, but that code never underwent the process of revision. Then came the period when, unfortunately, the Commission was allowed to expire, and he (Lord Brougham) failed in his attempt to have it revived. He, however, received from the then Government an answer assuring him that the past labour would not be found to have been thrown away, for proceedings might be taken upon what had already been done. After that his noble and learned Friend (Lord St. Leonards) had come into office, and that had taken place which he had described. They had derived great benefit from the noble and learned Lord's labours, for which they had the more reason to be grateful since it was known that his noble and learned Friend was not very favourable to codification. It was thought expedient by Lord Lyndhurst and himself (Lord Brougham), in accordance with a suggestion of the Commissioners, that, instead of attempting to carry the whole measure as before, it should now be divided into six or seven portions, and the first of these was the chapter respecting offences against the person, which had been brought in by his noble and learned Friend (Lord St. Leonards), and which underwent most careful revision and scrutiny in Committee during eleven or twelve long sittings, and was then reported to the House. He remembered that, when it was then said that the learned Judges would give their opinions, he stated that he had tried them some years before, and they had failed him. His noble and learned Friend the Lord Chancellor said that he did not think they would fail this time; he interposed his authority, and the application had met with the success which was anticipated by an answer from all the Judges. His complaint was not of the learned Judges, but of his noble and learned Friend, who ought not to have referred it to the Judges to give their opinion upon the question whether or not we should have a code or digest of the law, but should simply have asked them for their opinion upon the details of the measure, and for remarks upon the structure of the code that had been prepared. The consequence of the course adopted had been that we had now for the first time in the history of our legislation a decision of the House of Lords—come to not once, but repeatedly—acted upon not once, but repeatedly—approving by the vote for the second reading of the principle of the measure—as completely giving the opinion of their Lordships' House in favour of codification as the Judges had unfortunately given their opinion against it—that opinion of the House, sanctioned by three several decisions, and acted upon to the extent of sending a Bill for codifying the law to a Committee, and receiving with favour the Report of the Committee for a codification:—we had that opinion referred to the learned Judges, who had given their opinion that the House of Lords was entirely wrong, that its votes in favour of a code were entirely contrary to their views, that—an opinion expressed by one and all with more or less of courtesy—their Lordships were entirely mistaken, and that a code was out of the question. No doubt the Judges, in answering his noble and learned Friend's letter, had a perfect right to form and to give their opinion, and to say that the House of Lords was wrong, and that another course ought to have been pursued; but he must have leave, on the other hand, to say that he was not at all satisfied with their reasons, and that he considered some of those reasons utterly inapplicable to the subject. Upon most subjects touching the administration of the law, or the application of the law to any given state of facts, he should bow to the decision of the Judges with implicit deference—he could not say in all cases, because not many months back he differed from a large majority of the Judges on a question of pure law, upon which he had the good fortune to be supported by all the law Lords in that House, except his noble and learned Friend on the woolsack:—in one of the most important cases that had ever come before their Lordships on appeal they had been under the necessity of deciding that a great majority of those learned persons were wrong in the legal opinions they had expressed:—however, generally speaking, and with very few exceptions, he regarded their opinions on questions which came within their own province with profound respect; but it was a very different thing when they went out of their province—for which he did not blame them, as they had been dragged out of it by his noble and learned Friend—and when, not merely administering the law, stating what the law was, and applying it to the facts before them, they entered upon the province of legislation, and gave their opinions as to what the law ought to be and what it ought to be made; what changes ought or ought not to take place in it; what changes would make it better, and what changes would make it worse; what their feelings were in favour of or averse to, what their opinions sanctioned or condemned:—when they did this, he had not the same respect for those learned persons; he paid not the same deference to their authority; he did not feel called upon to submit to that authority, to abandon his opinion, and call upon their Lordships to abandon theirs, and to retrace their steps, because the opinions of those learned persons differed from his own opinion and from the opinion of their Lordships. When he looked back to not a very short life of legislation, and when he reflected on the various measures that he had at different times promoted in both Houses of Parliament, and many of which were now, as he thought happily, the learned Judges might think unhappily, passed into law, he hardly recollected one—with the single exception of the Act to the passing of which he should ever look back as one of the happiest circumstances of his life—namely, the Act of 1811, for suppressing the slave trade, by treating those engaged in it as felons, and not as traders—with this exception, he did not recollect any of the Bills for the amendment of the law which he had at various times introduced into Parliament, and most of which had passed, that had received the countenance of the heads of the profession of the law, and that had not rather met with their very decided, though not always very loud, disapproval. For instance, that most important measure which he failed in carrying through the other House in 1816, and afterwards in 1829 and 1830, for enabling the truth to be given in evidence in all criminal prosecutions for libel, and to which the present Lord Chief Justice, by his Committee, afterwards obtained the assent of the Legislature, was loudly disapproved of by the learned Judges. Their opinions were not asked upon it, for we had not then come to the plan of submitting questions of legislation for the consideration of the Judges; but, from constant intercourse with them, he knew that in those early days they loudly and entirely disapproved of that salutary amendment of the law. So with various other measures. He believed that every one of them disapproved of the changes which he effected in the bankrupt law in 1831, and also of various other measures of a similar kind. He believed that only two of the Judges could bear to hear mentioned his Evidence Bill for allowing parties to suits to be examined. All the Judges, with the exception of one, were against that measure, and only two treated it with any degree of toleration. He did not mention these circumstances for the purpose of diminishing the authority of the Judges; but for the purpose of bearing testimony to the exemplary candour of those learned persons, who, after having had so strong an opinion against that important amendment of the law, had now, he believed he might say without any exception, come round to the opinion that they had been wrong, that it was a great improvement, and that nothing had tended more to facilitate the process of arriving at the truth, to simplify the procedure, and to render more certain the administration of justice. It was his firm belief that, when we should be in possession of a criminal code, and still more when the digest of the law should be extended to its various other branches, and we should have the inestimable benefit of a general code of our law, civil as well as criminal, of procedure as well as of law, the Judges would come to be of opinion that in this they had received an inestimable advantage, and a great help in the administration of justice. He should not attempt to answer any of the general objections which had been taken to a code by these learned persons. It might be that some of them preferred that state of the law which left the Judge at liberty to extend or contract it, and to interpret it more or less laxly, according to circumstances. One of these learned persons, who was somewhat hypercritical in his remarks upon the language of the codes, said, giving his opinion in favour of codifying the statute, but against codifying the common law, that "it would be reducing the unwritten law to a statute," and "it would be to discard one of the greatest blessings we have for ages enjoyed." What was that? "Rules capable of flexible application." Flexible application! A rule capable of flexible application being what he should suppose any common understanding would be disposed to say was no rule at all; and was nothing like a rule. In short, an opinion seemed to prevail among these learned Judges that the more vague and uncertain was anything in the law, the better it was, and the more easy to administer (though in this they were quite mistaken), because they could adapt it to different circumstances, and change it *ad libitum* from time to time. They seemed to complain of the sort of servitude in which they would be if the law was reduced to a written text, and, in opposition to the maxim, *misera servitus ubi jus vagum et incognitum*, they seemed to think *misera servitus judicium ubi jus certum et cognitum*. He would not enter into an argument on such subjects as these, and would only briefly advert to what was a very favourite topic with those who were against codifying or digesting the law—the example of the French Code. They were deceived by the form of expression in the introduction to the French Code—that there was no detail in codes, that they only laid down principles, and that the law really was to be found in the decisions of the courts. If their Lordships would refer to that Code, they would find that every particular was laid down there in every part, both as to criminal law, civil law, commercial law, and the law of procedure. Cases might be, and very often were, answered by lawyers, simply by looking at a particular chapter and section of the Code. What was the opinion on this point of a very practical lawyer, not a speculative reasoner or a pedantic dealer in novelties and fancies—he meant a gentleman lately at the head of the French bar and also of the French Assembly, M. Dupin? That gentleman, when asked his opinion of the benefit derived from the *Code Napoléon*, said:—

"It is not true that the proportion of decided cases has prevailed against the text of our code,

> the charge generally made; nor are we in any way threatened, even at a distance, with the danger of seeing the letter of our law disappear under the load of commentary and interpretation. In every discussion the text of the law is first looked into, and if the law has clearly spoken, it is decided *non exemplis sed legibus*. If the law has not clearly spoken, its silence is endeavoured to be supplied. But what country is there where decisions have not been used to supply the defects of legislation?"

He continued:—

> "As to the Code, it is clear and methodical, neither too long nor too short; the language of the Legislature is noble and pure; the rules are well laid down, and, with the exception of the difficult subject of mortgages, it has met with nothing but approbation."

He added:—

> "All these codes, such as they are, have been productive of the greatest benefits; they have delivered us from the chaos of our ancient unwritten law."

That was the opinion of this head of the lawyers of France upon this subject, and not only on the benefit of reducing the various laws prevailing in different provinces into one, but of directing the normal and commercial law which had always been the same throughout all France. The learned Judges had, however, in his opinion, conferred upon the House great benefit by their minute observations upon the details of the measure, and by their remarks it was the duty of their Lordships to profit; but he did not think that the bulk of their objections, even to the details, were well founded. Some slips they had undoubtedly pointed out; but they were not of great consequence, and, in other instances, the Judges had themselves fallen into manifest error. For instance, two or more of them took the objection to the 133rd section, that there was nothing in it to prevent a man's knocking another down, provided he did him no bodily harm. In that clause this was not said to be an offence, "and," said one of the Judges, "if I am not greatly mistaken, if a man knock another down, and do him no bodily harm, he will not, after the passing of this Act, be liable to prosecution or punishment." He (Lord Brougham) said it with great respect, but the learned Judge had anticipated what was the case—he was "greatly mistaken," for had he looked at the 127th section, he would have found that it was punishable if a person, without doing any grievous bodily harm, or any bodily harm at all, should do any violence to another. Many persons would probably think it difficult to knock a man down without doing him some bodily harm, but it certainly would be impossible to do so without inflicting violence upon him. This instance showed that several of these learned persons had fallen into the errors which they thought so likely to beset those who dealt with this subject. Some of them objected to the definitions of offences, and one said that he preferred the common-law definition of larceny to the statutory definition. He (Lord Brougham) should like to know what the fifteen common-law Judges would give as the common-law definition of that offence. He was quite sure that, if they had no communication together before the answer was given, we should have from them fifteen definitions, each one materially differing from the others, of what the law meant by larceny. So he thought of one or two matters, which were said by others of the learned Judges to be defined at common law. But this was exactly the state of things—which one of the number said was the greatest blessing we had for ages enjoyed—"a rule flexible in its application," so that you might have fifteen different modes of treating larceny, fifteen ways of treating assault, and so on; each Judge having his own definition, and each treating it in a different way. Observe the evil of this common-law mode of dealing with things. The Judges made up their minds upon the subject after the case had arisen; and every objection that existed to an *ex post facto* law existed to "Judge-made law," as Mr. Bentham used to call it—that was, to law defined by the Judges and not by Statute. The crime was only defined when the case went into court, and it was wholly unknown to the party, both in civil and criminal cases, when he contracted, or when he committed the offence. The definition was made—that was to say, the law was established—after the act done, and when the party, or his rights, were on trial. Was that a fitting way of dealing with your subjects? Was that a fitting way of telling the community the law they lived under? Was that the return they made for the allegiance of the people? Was that the kind of protection they gave them, that they would not tell them until after the event, until after the offence committed, until after the act done, what was the law? He thought that common sense and common reason, which was said to be the very essence of common law, ought to tell the advocates of common law, and the enemies of reducing it into a written form, that that was not the mode to deal with the subject. To give their Lordships an idea of the vast amount of matter through which a man must wade in order to get at a knowledge of what was the common law of this country, he would give them one illustration. The reports of adjudged cases in the courts of Westminster during the last ten years only filled 127 volumes of 111,490 pages; and it was in this forest of decisions, this entangled wood of cases, parts of which were inaccessible even to the learned, all of which was more or less inaccessible to the unlearned, filled with adumbrated places and dark recesses, but all tangled with briars—it was in this forest that you had to search, through these 127 volumes and 111,000 pages, for what the opinions of the Judges were upon points of law; and that enormous mass only contained the opinions delivered during the last ten years. The Statutes passed during the same period occupied ten volumes of 6,000 pages; if from all these they took away the revenue Acts, the continuing Acts, and those which, though nominally public, were really of a private nature, he did not believe more than a few hundred pages would remain, and that very small number would represent the whole amount of legislation during the same years. In his decided opinion some endeavour should strenuously be made to consolidate and digest the criminal law. He held that they were bound to pay the greatest deference to the opinion of the learned Judges on the particulars respecting which they were kind enough to inform the House. He would mention particularly Mr. Justice Coleridge, Mr. Justice Cresswell, and Mr. Justice Wightman, who had made most excellent observations, some of which were right, but others, he had no doubt, further inquiry would induce them to modify; but, in any case, they must derive great benefit from perusing these opinions. If they adopted the suggestion of his noble and learned Friend, they would find occasion to profit by them. He had no objection whatever that their reasons against the proposed attempt being made should be taken into the fullest consideration, as embodied in their answers to the letter of his noble and learned Friend.

House adjourned till to-morrow.

Lord Brougham

HOUSE OF COMMONS,

Monday, March 6, 1854.

MINUTES.] NEW MEMBER SWORN.—For Louth, Chichester Samuel Fortescue, Esq.

PUBLIC BILLS.—2° Church Building Acts Continuance.

Reported.—Valuation (Ireland); Commons Inclosure.

RUSSIA AND THE PORTE—ULTIMATUM OF THE TWO POWERS—QUESTION.

MR. LAYARD: I wish, Sir, to ask a question of the noble Lord the Member for the City of London, and I think it will be for the interest of the country that I should receive a clear and explicit answer. The noble Lord, on Friday evening, stated that a certain new proposal has been made to the Emperor of Russia—in other words, that he has been given until the beginning of May to evacuate the Principalities. The noble Lord also stated that on the 27th of April he should be prepared to bring forward the Reform Bill, supposing, in the meanwhile, the Eastern affair should be settled in consequence of the proposal which has been made to the Emperor of Russia. What I wish to ask is this—whether, in the event of the Emperor of Russia withdrawing his forces from the Principalities, we are to consider he would thereby be placed in the same position as he was before the commencement of the war? I wish to know also whether, in the event supposed, the old treaties are still to be in force, and whether the relations between Russia and Turkey, and between Russia and the European Powers, are to be precisely on the same footing as they were before the commencement of hostilities.

LORD JOHN RUSSELL: Sir, the hon. Gentleman has somewhat misunderstood what I said on Friday evening. With respect to his question, I have to state that the proposal which has been made to the Emperor of Russia has no reference to the treaties between Russia and Turkey. We consider that the occupation of the Principalities belonging to the Sultan is a wrongful occupation, and we therefore ask the Emperor of Russia to evacuate those Principalities by the 30th of April, but if he accedes to that request of ours, that would by no means be conclusive as to the war between Russia and Turkey. It could not at all include any question affecting the treaties between Russia and Turkey. The decision of that question would follow, and would of course be a matter of negotiation totally separate from any demands of ours.

MR. LAYARD: The noble Lord has not answered my question. It is, whether there is a definite proposal which enables the Emperor of Russia to resume the negotiations which existed at the time when you gave him so many days to accept certain proposals that were made to him, in consequence of the Conference at Vienna, and of certain proceedings which took place at Constantinople? If so, we shall return to the *status quo ante bellum.*

LORD JOHN RUSSELL: I do not know that I can give any further explanation to the hon. Gentleman. What we propose is, that the Principalities should be evacuated. If the Emperor of Russia were to consent to that request, and were to evacuate the Principalities, of course it would then be open to him and the Sultan to negotiate afresh, and it would be equally open to the four Powers to mediate and take part in those renewed negotiations.

MR. LAYARD: I beg to give notice that I shall take an early opportunity of bringing this question, in a definite shape, before the House.

THE FINANCIAL STATEMENT—THE BUDGET.

The House having resolved itself into a Committee of Ways and Means,

THE CHANCELLOR OF THE EXCHEQUER said: With reference, Sir, to the gravity of the circumstances in which the country is at present placed, it has been the opinion of Her Majesty's Government that they would best discharge their duty to this House by submitting to it at this unusually early period of the Session the financial statement for the year, and an explanation of those measures which they think it requisite to adopt in order to meet the exigencies of the public service. If, Sir, in any other respect my position is one far less agreeable than that which I had the honour to occupy upon the last similar occasion, at least I can promise the Committee that it will not be necessary for me to make the same extravagant demand upon their patience to-night which formerly it was my misfortune to do. But Her Majesty's Government have thought that it was wise to take this early period of submitting these questions to the Committee—first of all, because in that manner we most fully recognise the title of the House of Commons to be made aware of the views of the Government with reference to the mode of meeting an unusually large expenditure; next, because we believe it well that foreign countries should see that the earnestness of the nation in the course upon which it has embarked may be measured by the promptitude with which the country proceeds to supply the means necessary for carrying out that course; and, lastly, because it is but fair and just to the people of England, upon whose opinions and convictions the course of Her Majesty's Government must ultimately depend, that they should be made practically aware that the measures we have adopted, and are about to adopt, under the gravest conviction of duty, are measures which must necessarily entail the disagreeable consequences of a serious addition to the public burdens. Now, the first part, which is also the most satisfactory portion of the task which I have to perform, is, that I should exhibit to the Committee, in comparison with the estimates which I made last April, the present actual state of the revenue and expenditure of the country. In speaking, however, of the actual state of the public income and expenditure, the Committee will please to recollect that we have not yet actually reached the close of the financial year, and, therefore, although the figures which I shall state to you, including as they do the actual accounts for about eleven months of the year, may be relied upon as substantially accurate, yet with respect to the remaining month they are only in the nature of an estimate, and they may not exactly correspond with the accounts, when they come to be made up previous to presentation to you. On the 18th of last April, I ventured to estimate the income of the country as follows:—The Customs revenue was taken at 20,680,000*l.* That was the estimated receipt, without, of course, any allowance at that time for the reduction about to be made. The actual receipts of the Customs duties, notwithstanding the reductions which have been made, to which I will presently more particularly allude, have been 20,600,000*l.* The Excise, which was estimated at 14,640,000*l.*, without any allowance being made for the repeal of the soap duty—notwithstanding the repeal of that duty—has realised the sum of 15,107,000*l.* The Stamp duties were estimated at 6,700,000*l.*; and, although under that head relief has been given to the public upon several material points, still, instead of producing, as was expected, 6,700,000*l.*, they have realised 6,960,000*l.* I estimated the revenue under the head of "Taxes" at 3,250,000*l.*; it has produced 3,178,000*l.* But that difference, small though it is, does not indicate even that small diminution in taxable subjects.

MR. DISRAELI: Is that the return for the twelve months?

THE CHANCELLOR OF THE EXCHEQUER: It is for the twelve months, and is made up of eleven months' accounts, and of one month estimated. That small diminution to which I have adverted is to be accounted for simply by the fact that the year which ended April 5, 1853, was the first year in which the new form of house duty had attained its full operation, and, in consequence, in respect of that year, the Exchequer was credited with a considerable amount of arrears carried over from the former year. For the present year no such credit is taken, and the apparent deficiency may be therefore accounted for upon that ground. The income tax, which was estimated at 5,550,000*l.*, will realise 5,700,000*l.* The Post Office revenue, which was taken at 900,000*l.*, will produce 1,042,000*l.* The income for Crown lands almost exactly corresponds with the sum estimated last year. The estimate was 390,000*l.*; the statement I have now to make shows that the receipts under that head amount to 391,000*l.* Miscellaneous receipts, which were taken at 320,000*l.*, have reached 503,000*l.*; and the receipts for old stores, taken at 460,000*l.* last April, have amounted to 481,000*l.* On the 18th of last April, I was asked by the hon. Member for Montrose (Mr. Hume) what saving to the public revenue would probably result from the measures which were then in progress with respect to the reduction and conversion of a portion of the debt. I stated, in reply, that it was hardly possible to name the sum with respect to the accounts of the then current year, but that I thought the saving by the measure might safely, and in the worst event, be taken at 100,000*l.* I will not, however, now deviate from the general course of my statement, but will revert to that subject at a later period.

I will now present to you some of the various items of the estimates as they were made last April, and of the joint account and estimate for the present year, which I am now enabled to submit to the Committee. The estimated revenue last April was 52,990,000*l.* The accounts which I now present to you, together with the estimate for the remaining month not included in the account, is 54,025,000*l.*; so that there is an improvement upon the estimate of the 18th of April last of no less than 1,035,000*l.* Upon the other hand, the expenditure for which the Committee provided during the last Session of Parliament has not reached its utmost limit. The expenditure, as then estimated, reached the amount of 52,183,000*l.*; the expenditure for the twelve months, as I take it now, although it has been materially swollen by measures connected with pending military operations, will not, I think, go beyond 51,171,000*l.* So that while the income of the year stands at 1,035,000*l.* more than that which was estimated, the expenditure stands at 1,012,000*l.* less than was anticipated. And, so far as we are able to estimate the actual excess of income over expenditure for the year, which will, however, only be definitively known when the account is struck after the 5th of April, I should be disposed, according to present appearances, to place the overplus at the present time at 2,854,000*l.*

Now, as the last year was not an ordinary year, and was one in which Parliament adopted conclusions of great importance with respect to a variety of financial measures, I think the Committee will expect of me that I should state to it more particularly, but at the same time as succinctly as I can, the results of the most important of these measures. I adverted just now to the case of the Customs duties. Now, the total amount of Customs duties which were repealed in the last Session by the House of Commons may be stated in round numbers at 1,500,000*l.* I do not include in that estimate the reduction of duties which were enacted in the last Session, but which have not yet taken effect, but I confine myself strictly to those reductions of Customs duties which took immediate effect, and they, as I have said, amounted in round numbers to 1,500,000*l.* The exact amount, after allowing for a sum of 16,000*l.* of augmentation, due chiefly to the alteration of the duty on spirits, is 1,483,000*l.* Now, there have been some circumstances affecting a portion of the Customs duties so unfavourably, that I cannot avoid alluding to them, in particular as respects the case of one branch of the Customs duties, which, although not of first-rate importance, is nevertheless not inconsiderable; I allude to the revenue derived from currants. I may say it is not so much lowered as that it has been almost annihilated. That simple article of consumption, as it appears to us, yielded in 1851-2, a sum of 342,000*l.*; in 1852-3, it yielded 271,000*l.*; and in 1853-4, it produced but 113,000*l.* The revenue derived from this article is about one-third what it was three years ago, not owing either to diminished disposition, or diminished capacity on the part of the public to consume, but due to the great contraction of the supply in consequence of the disastrous blight which had affected the vines in the East. But although this has been the case, and although the measure relating to the tea duty has been brought to an issue under circumstances far from favourable, still, when we look minutely and exactly at the case of the Customs revenue, it is found to stand thus:—The reductions of duty, as I have stated, which took effect in the years 1853-4, were 1,483,000*l.* The receipts from Customs duties in 1852-3, were 20,396,000*l.*; in 1853-4, the receipts from Customs duties were 20,600,000*l.*, showing an increase of 204,000*l.* in the actual receipts, after a remission of duties to the amount of 1,483,000*l.*

With respect to the tea duties, I hope the Committee, notwithstanding the unfavourable circumstances which have occurred, and the state of disturbance which has been prolonged in China—I hope, I say, the Committee does not repent of the large and liberal measure which it adopted last year upon this subject. Last year the House of Commons gave assent to an immediate reduction of the tea duty, amounting to 4½*d.* in the pound. The amount of relief afforded to the consumer by that reduction has been not less than 950,000*l.* in the year. I estimated, however, that from the nature of the consumption, and the elasticity which it was expected the article would show, that the whole loss to the revenue against the relief of 950,000*l.* would be a sum of 366,000*l.* Now, I think the Committee will see that it is a satisfactory result that the loss to the revenue is no greater than that which at the time I estimated it to be. I took it at 366,000*l.*; the loss which I have now to state is 375,000*l.* The Committee must bear in mind that an actual increase has taken place within the last two years in the low price of teas, which I shall be quite safe in putting at not less than from 4*d.* to 5*d.* per lb. It is, perhaps, more, so that, in fact, the whole of what we have given away in duty has been absorbed by the augmentation in the increased cost of the article. But do not let us suppose that, upon that account, the repeal of the duty has been useless to the consumer. On the contrary, I venture to say that there never was a time at which it was more important that you should have remitted the duty. What we are suffering from is not an abstraction of the duty from the Exchequer to be enjoyed by the trader who comes between the producer and consumer, but from a real scarcity of supply, owing to the state of affairs in China. But the effect of your remission of duty was this, that it drew to England, as compared with other countries, a much larger proportion of tea than we should otherwise have had. And if it be true, as it undoubtedly is, that the public must now pay very nearly the same price for their tea as they did two years ago, still, if you had not remitted the duty, the public would not only have had to pay that price and the whole amount of duty besides, but very considerably more.

There is another article upon which the duty was reduced, with respect to which I think the Committee would like to know the results which have taken place. I refer to what is known as the New Penny Receipt Stamps, not confined, however, to receipts, but likewise including drafts. A good deal of interest was attached to the transaction, and I am happy to say that the results have been satisfactory beyond my expectations. The state of the law previous to the change of the last year was indeed very defective, and there are still various points which it will be my duty to propose to the House to amend. For that purpose I hope to submit a Bill very shortly which will have the effect of rendering the law more clear and more consistent than it is at present, and which will, at the same time, be beneficial to the Exchequer. But, with respect to the alteration of last year, the case stands thus—when we reduced the stamps chargeable upon receipts from a scale fluctuating between 3*d.* and 10*s.* to an uniform duty of one 1*d.*, the estimate gross loss for the full year was stated at 155,000*l.* The one-half of that sum I ventured to assume would be recovered even during the first year, and I therefore only charged myself with a loss of 74,000*l.* But the change only took effect on the 10th of October, and therefore I must halve that amount. Observing the same proportion, I could only expect, in order to fulfil my estimate, a net loss of 37,000*l.* under the head of receipt stamps. The law took effect, as I have said, on the 10th of October, and very great difficulty was found, notwithstanding the utmost exertions of the Board of Revenue Department, in supplying the demand which sprung up from all quarters, and which bore no proportion to the previous consumption with respect to numbers; because, under the operation of the old law affecting stamp receipts, disobedience had become the rule and obedience the exception. But, with respect to the new state of things, I am happy to say that obedience is the rule, and disobedience is the exception. But notwithstanding the very great reduction made in the amount of duty payable from a tariff ranging from 3*d.* to 10*s.* to a uniform rate of one penny, for the six months commencing 10th October, 1853, and ending 5th April, 1854, instead of a falling off of 37,000*l.*, there has been, so far as I am at present able to state, an improvement of 36,000*l.* The actual receipts into the Exchequer under this head for the six months, commencing on the 10th October, 1852, and ending the 5th April, 1853, were 88,898*l.*; while the actual receipts for five, and the estimated receipts for one month, making together the six months ending the 5th of April, 1854, are 124,637*l.*, showing an excess of 35,739*l.*

Now, the Committee will likewise wish to know what, as far as I am in a condition to state, has been the result of the various measures adopted by this House during the last Session for the extension and augmentation of taxes. First, I will allude to that vexed subject—the Irish Income Tax. The collection of the income tax I should say has been delayed by a variety of circumstances, and this collection must always be later on the occasion of an Act which causes new assessments to be made, because new assessments create new appeals. The extension of the income tax to Ireland has been in some degree the cause of delay; and the extension of the tax downwards to a new class of persons, having incomes of between 150*l.* and 100*l.* necessarily brought forward a great mass of business altogether novel, and necessarily caused a considerable number of appeals, in reference to that class with which formerly we had nothing to do, and thereby had so much postponed the collection of the tax that at one period during the past quarter the Exchequer actually received a sum under that head of income less by 770,000*l.* than it had received in the previous quarter. That, however, has nothing to do with the productiveness of the tax, it is simply with reference to the duty of collecting; but it goes to account in some degree for that lowness of the public balances which has, during the last few weeks, been the subject of universal remark. The state of the case with respect to the Irish income tax is this:—I estimated that tax would yield for the year 460,000*l.* after making every deduction, and speaking only of the net profit to the Exchequer. The result has been as nearly as possible the very figures I have named with at the same time a slight alteration upon the right side of the estimate. The net proceeds of the income tax for Ireland will be, as far as I am enabled to calculate, 480,000*l.* The half of that could of course only be received during the present year, and something less perhaps than that amount will have been received by the 5th of April. The tax, however, has fully answered the expectations which were formed at the time when it was proposed to Parliament. Then with respect to another kind of extension of the tax downwards in Great Britain to persons with incomes of from 150*l.* to 100*l.* a year, I am not yet in a condition to state, as the assessments have not been clearly and fully separated from the others, the precise result of that portion of the measure. But I am in a condition to state that the tax will yield to the Exchequer at least as much as I ventured to calculate upon obtaining from it, namely, at the rate of at least 250,000*l.* a year.

Another measure, with respect to which I have to give information to the Committee, is the augmentation of the spirit duty in Scotland. The result of that measure also has to me been perfectly satisfactory; for though there is an apparent defalcation from the amount of increase which I ventured to anticipate, this defalcation may fairly be explained by causes entirely apart from the augmentation of the tax, and especially apart from any suspicion on the subject of increased illicit distillation. I estimated, in April, 1853, that the addition to an annual income from the 1*s.* per gallon which was added to the spirit duty in Scotland would be equal to a sum of 278,000*l.* on the year. As I now estimate the produce of that additional tax it will be, not 278,000*l.*, but only 209,000*l.* in the year. But it will be within the knowledge of all gentlemen connected with Scotland, and of many who are not so acquainted with the country, that a very strong religious sentiment has set in—if I may use the expression—against the great consumption of spirits. That state of public opinion led, during the past year, to the enactment by this House of a restrictive law on the subject. A Bill, not introduced by the Government, but, at the same time, not disapproved of by them, by its restrictive enactments greatly narrowing the means of selling spirits, led of necessity to a diminution in the consumption. This diminution in the consumption has so far affected the revenue derived from spirits in Scotland that, instead of 278,000*l.*, the amount received, as I have just stated, has been only 209,000*l.* But I have the utmost satisfaction in stating that there is not so much as a breath of suspicion that any part of that diminution is connected with the revival of illicit distillation. We then come to a measure regarded as more critical in its character, namely, the augmentation of the spirit duty in Ireland. The result of that measure has been altogether satisfactory; and, so far has it been from causing any general revival of illicit distillation, as far as we are yet enabled to judge from experience of nearly a twelvemonth, on the contrary, the Excise revenue has even exceeded somewhat the amount which I then ventured to anticipate. The amount for which I took credit, as an addition to the income of the country in consequence of the augmentation of the Irish spirit duty, was 198,000*l.*; the actual increase under the head of Irish spirits, so far as I am now enabled to state it, will not be less than 213,000*l.* I should also state that, in taking the sum of 213,000*l.* as the increased revenue from Irish spirits, I have made allowance for extra expenditure connected with establishments which it was thought prudent, under the circumstances, to incur, but which expenditure it will, I trust, in future years, be found practicable to reduce again.

There remains but one other among these retrospective subjects to which I need refer, and upon that I have very little to say—it is the item of the Succession duty. So far as regards the ultimate probable yield of that measure, I have no reason to depart from the conjectural estimate which I made last year when bringing forward the subject. But the effect of the postponements which it was thought but fair and equitable to allow in the payment of the tax has been such as greatly to reduce the new tax in the course of the financial year now expiring. In certain cases, also, of the Legacy duty, we relaxed this relief upon points such as affinity and leaseholds, and the deductions from the proceeds of the Legacy duty under these heads have almost overtaken all that we have yet reaped from the Succession duty. Even looking forward to next year—from April, 1854, to April, 1855—I do not venture to anticipate more than 500,000*l.* from that tax. With regard, however, to the ultimate results, I believe they will be very much as I then ventured to conjecture them. I am bound to say that all that has occurred under the operations of the law has convinced me that those very florid and sanguine views which some Gentlemen, when the tax was brought forward, ventured to submit, promising us 3,000,000*l.*, 4,000,000*l.*, 5,000,000*l.*, and even more, as the net proceeds of that tax, are, indeed, altogether of a visionary character. This, then, is the state of the case as regards the twelve months now nearly expired; and I think the Committee will be of opinion that the whole of the facts combine to show that the finances of the country are on a sound and solid basis.

We have now, Sir, to look forward, and to frame the Estimates for the year which commences on the 6th of next April, and those Estimates must, of course, be framed with a due regard to the altered circumstances of the country, to some contraction of trade, to a great augmentation, I grieve to say, of the cost of almost every important article of subsistence. Keeping those important points in view, and making, not certainly any large, but, at the same time, some moderate allowance with reference to them, I venture to submit to the Committee the following estimate of the probable revenue of the year 1854–5:—I take the Customs duties—and here, as well as under other heads, I allow for those reductions of taxes which will take effect under laws already in force—I take the Customs at 20,175,000*l.*; the Excise at 14,595,000*l.*; the Stamps at 7,090,000*l.*; the Taxes at 3,015,000*l.*; the Income Tax at 6,275,000*l.*; the Post Office at 1,200,000*l.*; the Crown lands and land revenues at 259,000*l.*; old stores, 420,000*l.*; and the Miscellaneous, 320,000*l.* The total sum anticipated for the year 1854–5 will, therefore, be 53,349,000*l.*

Now, Sir, looking forward to the expenditure of the year, I need not tell the Committee I enter upon details far less satisfactory than those which I have thus far given. The first head, however, is one in which there is a considerable reduction. The charge for the funded debt for 1854–5 I take only at 27,000,000*l.* The actual charge for the twelve months ending the 5th of January, 1854, was 27,570,000*l.* There is a difference, therefore, of 570,000*l.* in favour of the country. The larger part of that difference—a sum of 312,000*l.*—is due to the operation of the Act passed by this House in the year 1844, upon the recommendation of my right hon. Friend the Member for the University of Cambridge (Mr. Goulburn); and of the residue, namely, 258,000*l.*, almost the whole is due to the liquidation under the Act of last year of certain minor stocks, known as South Sea Stocks, Annuities, and some other funds. There is not a net saving to that amount, but that is the amount of diminution on the charges of the funded debt. The charge upon the unfunded debt I think it wise, under the circumstances of the country and of the money market, to take at an amount which I trust will be sufficient. I take that estimate at 546,000*l.*; the charges on the Consolidated Fund at 2,460,000*l.*; the Army at 6,857,000*l.*; the Navy at 7,488,000*l.*; the Ordnance at 3,846,000*l.*; the Commissariat at 645,000*l.*; the Miscellaneous Estimates at 4,775,000*l.*; the Militia, the same as last year, at 530,000*l.*; and the Packet Service, the only estimate which shows, I think, a diminution on the amount voted last year, and which shows a diminution of 8,000*l.*, at 792,000*l.*

Then, Sir, it is necessary I should state to the Committee some amount of money which, without attempting at the present moment to determine what shall be its technical appellation, or under what form it shall be voted, I may describe as a provision for the extraordinary military expenditure connected with the expedition to the East. It is extremely difficult to form anything which can be called an estimate of that expenditure. I am bound to remind the Committee that war is a disturber, as of other things more serious, so likewise of financial computations and the regularity of our financial proceedings. We have thought it right, in deference to the House—that it may well understand the nature of the obligations it is contracting—to make known at the earliest possible moment what we propose with reference to provision for the wants of the public service; but it is quite impossible for us to undertake to say at this moment that the provision we now propose, and which we propose after due deliberation and the best exercise of our judgment, shall be a provision adequate, and neither too great nor too small, for the exigencies and wants of the whole year. It is of necessity, therefore, an indefinite sum for which we ask, with reference to the expense of this expedition to the East. Now, upon what principle shall we attempt to calculate that sum? Upon this principle—that it is our duty not to remove the public expenditure of the country, and especially not to remove the war expenditure, from the control of the House of Commons. If we were to ask you to place in our hands, as the proceeds of the taxes of the country, a very large sum of money to be applied to the purposes of the war, amounting to several millions, you might, I think, very justly say, "Wait until the necessity has arisen; Parliament is not about to separate in the month of March; it is in your power to make a further proposal in the month of June or July, if the circumstances of the country and the state of Europe should then seem to warrant such a proposal." We are about to act on that principle, and to ask only for such an amount, which, though it may seem large to some Gentlemen, we feel convinced is the smallest by which, under the most favourable circumstances, we can hope to see those gallant forces now leaving our shores brought back after the completion of the object for which they are sent. Taking those forces in round numbers at 25,000 men, we propose to ask the Committee to vote a sum of money for the purpose of extraordinary military service at the rate of 50*l.* per head, or a sum of 1,250,000*l.* Inserting, therefore, that amount in the estimate of expenditure which I have ventured to give to the Committee, the total amount of estimated expenditure, including that sum of 1,250,000*l.*, is 56,189,000*l.* The estimated revenue, as I have already stated to the Committee, is 53,349,000*l.* And, therefore, there is a deficiency upon the estimate of revenue for the year 1854–5, as compared with the estimate of expenditure, amounting to no less a sum than 2,840,000*l.* Now, Sir, that estimated excess of expenditure above income, does not represent the whole cost of the war. Had it not been for the measures in which we are engaged, and which we deemed necessary for the honour and welfare of the country, we should not only have been spared representing to you this deficiency, but we should have been in a condition to promise you a surplus.

I will just now state concisely to the Committee how the account would stand but for the augmentation of the Estimates rendered necessary by the demands of the public service. As compared with the estimate of last year, the excess, or rather the increase—for the word "excess" is equivocal—the increase upon the Army is 832,000*l.*; the increase upon the Navy, 1,253,000*l.*; the increase upon the Ordnance, 793,000*l.*; the increase upon the Commissariat, 88,000*l.*; the increase upon the Miscellaneous is 299,000*l.* There is a small diminution, as I have already mentioned, upon the Packet Service of 8,000*l.*, but there is an increase under the head of military extraordinary expenses of 1,050,000*l.* I stated the cost of the expedition to the East—or rather, not the cost, but the sum we are about to ask of the Committee on account of its cost—to be 1,250,000*l.* But last year there was an expenditure of 200,000*l.* on account of the Kafir war; and, therefore, the balance under the head of military extraordinary expenses is an increase of 1,050,000*l.* With the small deduction I have mentioned, that shows a total excess in the Estimates of the present year over last year of 4,307,000*l.* The estimate of expenditure which I presented to you in April, 1853, and I refer to it now in order to enable the Committee to judge what would have been our position in the absence of disturbing circumstances, was 52,183,000*l.* The estimated revenue which I now look for for the year 1854–5 is 53,349,000*l.* So that if our expenditure, according to estimate, had continued the same as it was twelve months ago, instead of a deficiency of 2,840,000*l.*, I should have been able to present to you a surplus of 1,166,000*l.*, in addition to the saving of the funded debt to which I have already referred, and which I may state in round numbers at 500,000*l.*; so that there would have been, in fact, a fund to apply to fresh and further remissions of taxes of 1,666,000*l.* Adding that surplus, which there would have been, in the absence of disturbing circumstances, to the deficiency I have now to present, the total difference on the account against the Exchequer amounts to no less than 4,506,000*l.* Well, then, Sir, that is the total difference against the Exchequer, and the total sum for which we have to provide, without taking the surplus into account at all, is 2,840,000*l.* Under these circumstances it will be for the Committee to consider in what manner this deficiency shall be made up.

Now, Sir, in the first place, I trust that the Committee will not consent to make up any portion of this deficiency by interfering with those reductions of taxation which have acquired the force of law, although they have not yet taken actual effect. The amount of those reductions is considerable. They reach for the year 1854-5, in round numbers, 1,500,000*l.* There is also upon the soap duties, on which there was a small receipt at the commencement of last year, a loss of 140,000*l.* And while I am touching on the soap duties, it may be as well to state to the Committee, to show that reduction of establishment does not always unduly lag behind reduction of taxation—it may be as well to state to you, in consequence of the change with respect to the soap duties, and in consequence of the change in system with respect to the post-horse duty, which this House was pleased to adopt last year, there has been a reduction on the establishment of the Inland Revenue Department, amounting to no less than 30,000*l.* a year. It was thought proper to place a portion of the staff to watch the effect of the spirit duty, but the permanent reduction, distinct from that temporary arrangement, reaches the considerable sum of 30,000*l.* a year. There is a loss upon soap, which I may call the residue of the duty on soap, of 140,000*l.* The reduction of 4*d.* per lb. on the duty on tea, which will take effect on the 5th of April next, will cause a loss to the revenue of 950,000*l.* The amount of relief given by the charges on the assessed taxes, which will likewise take effect on the 5th of April, will be 344,000*l.*, and the measure devised last year by my noble Friend the Postmaster General, for the purpose of effecting a most beneficial change in colonial postage, will occasion a reduction of 40,000*l.* The whole amount of relief from taxes now in force, which the public will enjoy between the 5th of April, 1854, and the 5th of April, 1855, in consequence of the measures you adopted last year, and the votes you came to, reaches the sum of 1,474,000*l.* Note also, that what you would recover if you were to retrace your steps is 1,002,000*l.* But, as I have said already, I will not attempt to argue that question, for I feel well persuaded, whatever other course you may think it proper to adopt, you will not retrace the steps you entered on last year, so far, at least, as the present measures and the demands of the present exigency are concerned. I must now express my hope that the Committee, if it is determined not to withdraw the boons which last year it promised, and which it cannot withdraw without serious disturbance to trade, and great discomfort to a multitude of individuals—I must express my hope that the Committee will support the Government in standing by those branches of public revenue which exist and are available. We do not think it consistent with our public duty, in the present state of Europe, under existing circumstances at home and abroad, and with such figures as I have now laid before you, to propose to you to part with any branch or any sensible part of any branch of existing public revenue.

Well, then, Sir, if money must be had, is it to be had by increasing duties on other articles? If you are determined not to repeal the laws of last year, and if you are likewise determined not to part with any income you now have, would it be right, do you think, at the present moment to increase the rates of duty on articles of consumption in the branches of Customs and Excise, or to replace those duties, or any of those duties, which during recent years you have abolished? I cannot doubt the answer of the Committee will be in the negative. The answer of the Government is, that we ought not to take that course. But, at the same time, while I give that answer on my own behalf and on the part of my colleagues, with the clearest conviction of its justice, it is impossible, I think, to put out of view the contingencies which must necessarily attend upon the prolongation of the war on which we have now entered. I cannot, so far as the views of the Government are concerned, hold out to this Committee any reasonable expectation that if, which God forbid! the struggle we are now entering upon should be prolonged for years, it would be in our power to secure for all those articles which have recently been relieved from duty, a continuance—a permanent continuance of that immunity. I fear, Sir, all we can say with respect to those objects of indirect taxation, as compared with those of direct taxation, is that which the Cyclops said to Ulysses, when he gave the promise of this privilege, that he would devour him the last. This is a matter which the Committee cannot put out of view. I speak strongly, and with the clearest conviction; but we cannot and do not advise you to add one farthing to the indirect taxation of the country. There is another proposition to which I anticipate the ready assent of the Committee. We have entered on a great struggle; but we have entered upon it under favourable circumstances. We have proposed to you to make great efforts, and you have nobly and cheerfully backed our proposition. You have already by vote added very nearly 40,000 men to the establishments of the country; and, taking into view the changes which have actually taken effect in the return of soldiers from the Colonies, and the reductions which might be made, in the present state of Ireland, in the amount of the constabulary force there, but which are not made in order to render our military forces disposable to the utmost possible extent, it is not too much to say the virtual addition to our forces by sea and land, as compared with the number twelve months ago, nearly reaches 50,000 men. This, Sir, looks like an intention of carrying on war with vigour. The wish and hope of the Government is, that it may be said with regard to this war—that it may be truly said of the people of England—what was not, perhaps, so truly said by a courtier and great poet, Dryden, of King Charles II.—

> "He without fear a dangerous war pursues,
> Which without rashness he began before."

That, we trust, will be the motto of the people of England; and we have the advantage that the sentiments of Europe, and, I trust, the might of Europe, are with us. These circumstances, although I am not sanguine—although it would be the wildest presumption in any man to pretend to say, when the ravages of war have once begun, where and at what point they will be stayed—yet these circumstances, I say, justify us in cherishing the hope that possibly this may not be a prolonged struggle. I will not go further than the modest epithet I have used, that possibly this may not be a prolonged struggle. But, as long as that possibility remains, the Committee will agree with me in thinking it not wise, in the endeavour to supply the wants of the country, to do it by a series of measures which shall worry different classes and different interests, different trades and different industries, disturbing everybody's calculations and operations, adding 100,000*l.* to income here, 200,000*l.* there, and 300,000*l.* somewhere else. I am sure the Committee will agree with the Government, that is not the course which the present exigency requires. And whatever we do, I take it further for granted, that we are to endeavour to do it with a minimum disturbance to trade and industry. But there is one great question which it is impossible for me to pass by without notice. Is it right that we should ourselves make a resolute endeavour to meet the charges of this coming war, or would it be just, would it be manly, would it be worthy of the wealth and power of England, that we should charge those burthens upon our posterity? I am convinced, Sir, that at the present moment there is, both in this House and throughout the country, a strong opinion that to resort to the money market for a loan would be a course not required by our necessities, and therefore unworthy of our character. Sir, it may be that the demand I am now about to make upon the Committee—God grant it may be otherwise!—but it may prove, it is but the first of such a series of demands. I, therefore, do not speak simply, I frankly own, with respect to the present occasion. It is impossible for the Government—it is impossible for this House—it is impossible for the country to give any absolute pledge or to record any immovable resolution that the expenses of the war shall be borne by additions to taxation; but yet it is possible for us to do this—to put a stout heart upon the matter, and to determine that so long as those burthens are compatible with the principle, and so long as the supply necessary for the service of the year can be raised within the year, so long we will not resort to any systems of loans. I wish earnestly and emphatically to dwell upon this subject, because we are only upon the threshold of a war, and because I feel this, that if any small amount of inconvenience were to induce us to deviate from the course I have just presumed to state, we should not be acting worthy of ourselves or of our country. Sir, the reasons against resorting to the money market, the reasons against charging these expenses upon posterity, are too many and too grave to allow us to follow that course. I do not presume to lay down laws for other countries. There is no country, however, which has played so deeply at this dangerous game as England has done—there is no country which has mortgaged the industry of future generations to so fearful an amount. If I am told that there are conveniences, and no doubt there are five hundred conveniences, in having three per cent stock, into which men can buy, and out of which they can sell, I grant there are such, but I think you have ample scope for all these conveniences as long as you have 750,000,000*l.* of Consols. Sir, as there are economical reasons, so there are moral reasons, both of which, I trust, will induce this country, and induce this House, as long as it is possible, to maintain the policy—the sound and honest policy—of providing supplies for the wars in which we engage. It may be very well for other States to pursue a different course. It is not for us to lay down rules for them. Take, for instance, the example of America—America without debt—America with a standing surplus; nothing could be more unusual—nothing could be more intelligible—than the way in which, when she annexes portions of territory to her own, at the cost of a war, she raises a loan to defray the expenses of that war, because, according to every rational principle of taxation, she knows what she has to deal with. She does not enter into English politics and calculation. She reckons upon her expenditure exceeding her means for two or three years, but she knows that it will be overtaken by the standing surplus of her income above her expenditure; and consequently, she avoids, and very wisely avoids, disturbing her system of taxation in order to meet a passing change, with reference to the cost of such war. The same doctrine, no doubt, applies to other countries. Take, for instance, our great and powerful neighbour, France. The debt of France, although it is considerable, is not to be compared for a moment to the debt of England. Indeed, I am sorry to say, such is our sad preeminence in respect to public debt, that I believe we far exceed, not only any one country, but all the countries of the world put together, in the amount of our debt. Any man who has had to do with the administration of the finances of the country, must feel how many sore evils it has given rise to—how many grievous burthens you are compelled to keep upon the people, because of the demands of the enormous, almost overpowering maw of our debt—how many good works you are obliged to defer, or if commenced brought to a stand—how you are obliged to narrow, and pare, and cut down the assistance you are desirous of offering to civilised and honest pursuits, because of the immense and crushing weight of this great, permanent, and standing debt. Sir, we should incur a great and serious responsibility were we voluntarily to add to the amount of that debt, and I am convinced that the Committee is not prepared at the present time to make an addition to that burthen, and I trust they will not be prepared at any time to take a course so pregnant with evil to the interests of the country. Sir, the principle has been supported by political economists of the greatest reputation. These are the words of Mr. Mill:—

> "If capital taken in loans is abstracted from funds either engaged in production or destined to be employed in it, their diversion from that purpose is equivalent to taking the amount from the wages of the labouring classes."

And no doubt, without at all endeavouring to entangle the Committee in abstract arguments of political economy, I believe there is much truth in the allegations of those who say that if you raise war supplies by new taxes, you make each man take his share for himself out of the surplus of his income over his expenditure; but if, on the contrary, you go into the market for a loan, you act directly and to the full extent upon that portion of capital which is immediately available for the promotion of trade. In the one case, you get a large portion of what you want out of a superfluity of capital; in the other case—though I do not mean to say that circuitously the same effect would not ultimately be produced in each case—you go directly to that fountain-head where money is supplied, upon which in a great degree the activity of trade and the cheapness of productions must depend. But, Sir, in a less scientific point of view, I beg the Committee to listen to what Mr. M'Culloch says on this important subject in his work on taxation. He discusses the immense waste that attends upon all borrowed expenditure, and inquires into the best mode of meeting that calamity. He says:—

> "There are no means whatever by which the profusion and waste occasioned by a war can be counteracted, except by the industry and economy of individuals; and to make these virtues be practised, individuals should be made fully sensible of the influence of war expenditure over their own private fortunes. The radical defect of the borrowing system consists in its deceiving the public on this point, and in its making no sudden encroachments on their comforts. Its approaches are gradual and almost unperceived. It requires only small immediate sacrifices, but it never relinquishes what it has once gained, while the necessity for fresh sacrifices, arising from their own ambition, injustice, and folly, as well as from those of their neighbours, continues as great as ever. Such a system is essentially delusive and treacherous. It occasions the imposition of tax after tax, hardly one of which is ever again repealed, so that before the public are awakened from their trance, and made aware of their actual condition, their property and industry are probably encumbered with a much larger permanent payment on account of the interest of the public debt than would have been required, had they submitted to it at once, to defray the expenses of the war."

Sir, I confess that that reason is perfectly sound and satisfactory, and that, irrespective of other considerations, it is perfectly true to say of the system of raising funds necessary for wars by loans, that it practises wholesale systematic continued deception upon the people. Under such a system the people do not really know what they are doing. The consequences are adjourned into a far future. What is desirable is that they should know the price they are called upon to pay for the benefits they expect, or the sacrifices they think fit to make in order that that which they do they may do on intelligent and reasonable grounds, not deluding themselves at the cost of bequeathing a charge on posterity. Sir, I do not hesitate to say that it seems to me, that if the economical and political reasons are strong for the adoption of that policy, not less strong are the moral reasons. The expenses of a war are the moral check which it has pleased the Almighty to impose upon the ambition and the lust of conquest that are inherent in so many nations. There is pomp and circumstance, there is glory and excitement about war, which, notwithstanding the miseries it entails, invests it with charms in the eyes of the community, and tends to blind men to those evils to a fearful and dangerous degree. The necessity of meeting from year to year the expenditure which it entails is a salutary and a wholesome check, making them feel what they are about, and making them measure the cost of the benefit upon which they may calculate. It is by these means that they may be led and brought to address themselves to a war policy as rational and intelligent beings, and may be induced to keep their eye well fixed both upon the necessity of the war into which they are about to enter, and their determination of availing themselves of the first and earliest prospects of concluding an honourable peace.

Well, Sir, having stated under their various heads what it is the Government cannot recommend the Committee to do, and what it is we feel convinced the Committee will not do, there cannot, I think, be much doubt remaining on the mind of any man as to that which the Government will propose, nor, I think, as to that to which the Committee will approve. Sir, when, in the month of April last, in discussing the subject of the income tax, I referred to the immense results which directly and indirectly it had achieved at that time—to the immense direct addition which it made to the resources of the Exchequer, and to the indirect and collateral effect which it appears to have had in invigorating the whole of our financial system—and when I ventured to state to the Committee that this was the great engine which you must look to use in the event of European necessities, I had not a shade of serious apprehension as to the earliness of the period at which I was to call upon the Committee to give effect to those views. But it is true that you have here a mighty engine—an engine which you may use to an extent almost equal — I will not say almost equal, but to an extent equal to a great part of what any war can demand, and an engine which is well equal, and more than equal, to the issue to which we now propose to apply it. Sir, the estimated receipts from the income tax at the present rate for the next year I have taken at 6,275,000*l.* In that sum is included a small amount of arrears properly belonging to the present year—perhaps from 100,000*l.* to 150,000*l.* — but which will not have been levied before the 5th of April, and which we hope to overtake in the next year. The proposal which the Government will make has in view the repairing the deficiency upon the income, as compared with the expenditure, according to my estimate amounting to 2,840,000*l.*, and likewise of providing that moderate margin which, upon the Estimates, it is the wisdom as well as the pleasure of this House usually to provide. I propose, Sir, then, on the part of Her Majesty's Government, that we should increase the income tax by one-half, and should levy the whole addition for and in respect of the first moiety of the year—in other words, that we should double the income tax for half a year. Now, Sir, it may, perhaps, be thought, that our more obvious course of proceeding would have been to raise the rate of income tax by a smaller amount for the whole year. But I have already stated to the Committee that in the circumstances in which we now stand it is impossible for us to form a reasonable estimate of what will be the future cost of the warlike operations, upon the scale on which they are now contemplated, in the event of the contest being prolonged throughout the year. I wish the Committee, therefore, distinctly to understand that we cannot guarantee that the funds for which we now ask will suffice to carry on the active operations of war during twelve months, and, therefore, not being able to look forward to so long a period, we have thought it best to propose that the addition which it is now intended to make to the charge should be an addition to be levied off the income of the country, in respect only of the first portion of the year. Several reasons justify this course. The effect of that scheme will be as follows:—In the first place, that it is the only measure by which it will be in our power to raise the whole additional sum required within the year. The Committee will please to bear in mind that the levying of direct taxation is always six or nine months in arrear of the period to which the tax applies. When you enact an increased duty upon spirits, from the moment you have voted the duty the tax takes effect, and perhaps within a week or a fortnight, or a few weeks at any rate, some of the proceeds will find their way into the Exchequer. But when you enact an increase of the income tax, that increase begins to be chargeable for a period, which period commences on the 6th of April, and there cannot be any money levied under the authority of such a vote of yours until the quarter between the 10th of October and the 5th of January. It is, therefore, only by laying the increase of the tax upon the first moiety of the year that we can possibly levy it within the year. But, Sir, that is not the only reason that has impelled us to the course we have resolved upon. I have already stated to you that we think it our duty to levy upon the space I have mentioned, and to leave the question unprejudiced as to the further augmentation of taxes, in case the war expenditure should unhappily require it. If, therefore, I were now to propose to double the income tax for the whole year—to raise the rate of the income tax for the whole year—I must necessarily do one of two things, either of which would be highly objectionable. On the one hand, if the Government asked you to give us a very large increase of the income tax for the whole year, then we should ask for a legal authority to levy an amount of money which it is possible we may not require. But, if, on the other hand, we ask you to levy the income tax for the whole year, but to give us an amount only sufficient to cover the present deficiency, then we should be in the difficulty that we might very probably be compelled to come to you again, and ask you again to alter the vote of the income tax in respect of the first moiety of the year, which you have already altered once. Therefore, Sir, the course which I recommend is much the simplest course; it is a course which will give the fullest effect to the principle of levying the tax within the year, and will at the same time most fully preserve the control of the House of Control, that the proposal which I make should take the form which I have given it, namely, the form of doubling the income tax for the half year. The form of the enactment will be very simple —that the rate of income tax (I am not using the technical language of the Resolution), that the rate of income tax, granted by the authority of the Act of last Session shall be raised from 7*d.* to 10½*d.* in the pound; and that the whole of the moiety so added to the tax shall be so leviable in respect of the year in the first half-year. Sir, I will now state what will be the fiscal results of that proposed addition to the income tax. As I have before stated, irrespective of any change in the law, the income tax from April, 1854, to April, 1855, would yield the sum of 6,275,000*l.* The moiety of that sum of 6,275,000*l.* would be 3,137,500*l.* But, then, in the case of the income tax, the expenses of collection vary inversely as in the case of indirect taxes. By increasing the amount of indirect taxation, you generally increase the expense of collection. In the case of the income tax, if you increase the tax you diminish the percentage of the cost of collection. The reason is obvious, the sources of supply are not diminished; the assessments are the same; the taxpayers are the same, and you collect the larger amount at the same cost as the smaller. It is true that some part of the expenses of raising the tax being defrayed by percentage, there would be of course a certain augmentation in those expenses; but upon the whole, the effect is, that by adding a moiety to the tax you add somewhat more than a moiety to the amount actually raised. The proceeds of the tax, as I have taken it, would amount to 3,307,000*l.* If you add that sum to the 6,275,000*l.* which I have already estimated as the proceeds of the tax under the present mode, you will find that it gives for the whole produce of the tax, from April, 1854, to April, 1855, the sum of 9,582,000*l.* Now, Sir, it is a very simple matter to rectify the general balance of income and expenditure. As I stated before, the income for the year 1854-5 I estimated at 53,349,000*l.* I now propose to augment that income by an addition to the income tax which will yield 3,307,000*l.*, so that the total income of the country, if it should please the Committee and the House to adopt that proposal, will be 56,656,000*l.* The expenditure, on the other hand, as estimated, stands at 56,189,000*l.* So that there will be, by way of provision for the services of the year, a sum amounting to the whole estimated expenditure, and likewise a small surplus in hand, of 467,000*l.* The Committee will perhaps allow me to restate briefly the objects I purpose effecting by the arrangement which I have endeavoured to explain. They are simply these:—First, to raise the whole sum required within the year; secondly, to avoid all risk of again disturbing the rate of the income tax for the first moiety of the year; and, thirdly, to confine the demand of increased taxation strictly to the services which we have in hand. Sir, I have stated to the Committee that the Government are not of opinion that it would be compatible with their duty to propose, under the present circumstances of the country, to surrender or sensibly to impair any branch of the present revenue.

There are various subjects that have been discussed, and in which portions of the public or the entire public may feel a deep interest, and some of which it would have been my pleasure and satisfaction to have submitted to this Committee, had the circumstances of the country permitted me to take such a course. But, as matters now stand, we feel it our duty to hold by the revenue as it at present exists. But there is one change which is a matter of interest to the commercial community, and to which it is right that I should advert, because it is a change which, while it may afford, upon the whole, I trust not an inconsiderable relief to those, or some of those, whom it affects, yet it will not, I think, be attended with loss to the Exchequer. I refer to the case of stamps which are chargeable upon bills of exchange. I need not detail to the Committee the state of the law with regard to that very important subject. It has been placed clearly before the public in consequence of one or more cases which have recently been brought before the courts of law. Suffice it to say that it is most unsatisfactory, and demands the adoption of some altered provision. We have thought fit up to the present time to charge bills of exchange drawn at home with a stamp duty, and to exempt all bills which are drawn abroad. Although they come into this country—although they are negotiated in this country—although they act as instruments of credit and circulate in this country—yet they circulate free of stamp duty. This is not the policy of other States. France has applied—and, so far as I can discern, has rationally applied—a uniform system of stamp to all bills of exchange, whether they are home drawn or whether they are foreign drawn. But this is not by any means an abstract question. As the matter now stands we have reason to believe that the law is evaded, and that the Exchequer is defrauded by dishonest persons, who, when drawing bills at home for purely domestic purposes, date those bills abroad, and thereby escape the stamp duty. But the evil that is sustained by the Exchequer is a very small part of the mischief. The serious part of it is this—that those bills get into circulation—that they are discounted by one person and another, and thus pass from hand to hand. They come into circulation with foreign dates and foreign places printed upon them, and get into the hands of persons who cannot possibly know anything of their origin, and these persons, if they have occcasion to sue the acceptor of such bills, find that in law the security is good for nothing. It is impossible to leave the law in such a state as that without seriously impairing the tone of credit in the great mercantile circles of this country. There is another reason why it is most desirable to alter this law, and that is the extreme inequality and the extreme impolicy of the present stamp duties on bills of exchange. The law is constructed upon the principle of laying upon small bills of exchange an almost prohibitory amount of duty, whilst upon bills of large amounts it lays a duty that is scarcely sensible at all; so that, while persons who deal with large sums of money scarcely feel the bill stamp, the person who uses capital in very small amounts is almost entirely precluded from the use of this convenient machinery for credit. A bill of the amount of less than 20*l.*—that is, a bill of between 5*l.* and 20*l.*—is liable to pay a stamp duty of 1*s.* 6*d.*, and, supposing it to be a bill for 12*l.* 10*s.*, and its duration to be for two months, that amounts to the rate of 12*s.* per cent for the two months, or 3*l.* 12*s.* 6*d.* per cent per annum. The effect of the bill stamp upon bills of that amount is about double the rate of interest that a person would have to pay for the money. If he pays at the rate of 3*l.* 12*s.* 6*d.* for the stamp, and three or four per cent for the money, he is using money that costs him six or seven per cent. As you move upwards the amount of the burden becomes less and less, but it is a serious burden; it is a burden of more than one per cent per annum until you pass bills of 100*l.* each. That is hardly reconcilable with justice to those whose credit may be perfectly good—whose business may be as sound as that of the wealthiest house in London—who may be as prudent as any banker or capitalist in the country, and who yet may be precluded from availing themselves of this most valuable resource. The proposal that will be made is this: I propose to adopt an *ad valorem* scale, in lieu of the present scale, at the rate of 3*d.* for each 25*l.*, or 1*s.* for each 100*l.* upon short bills; and at the rate of 4*d.* for each 25*l.*; and 1*s.* 4*d.* for each 100*l.* on long bills. I propose to carry out the scale with varying intervals; the whole measure shall be laid before the Committee in the form of a Resolution in the course of a few days, and I propose to carry the scale upwards to 5,000*l.* I do not know that it is worth while to carry it any further. I propose to abolish altogether the distinction that now exists between home-drawn and foreign-drawn bills, and to make them pay precisely the same rate of stamp duty. I also propose, for the convenience of the community—and a very great convenience I believe it will be—not to adopt the system which is enforced in some foreign countries of impressing stamps. The effect of that system is, that the holder of the bill before he can issue it is obliged to carry it to the public office, where he must have it stamped, and then he may issue it. Instead of taking him to the public office, we propose to take the public office to him, by permitting and, indeed, requiring him to use that simple invention, the adhesive stamp. Those stamps people can keep by them, and there will therefore be no obstruction whatever to the course of trade by the adoption of this proposition. It is important, with regard to the convenience of a large class of persons, to consider the time that may be occupied in the preparation of dies for this purpose. The time so occupied is always considerable, especially because it is not within the competence of the revenue department, compatible with law, to make those dies until they can be made under full legal authority. Every exertion shall be made to expedite that process; but I do not expect that this change in stamps upon bills of exchange will take effect until the 5th of July in the present year. If it can be done at an earlier date, with such notice to the parties as is convenient, it shall be done, but, as I am at present advised, I am doubtful whether it can be accomplished previous to the date I have mentioned. I will now briefly state to the Committee how this change will affect this branch of the revenue. The revenue for the year ending upon April the 5th, 1853, from stamps upon bills of exchange amounted to 555,000*l.* As near as we can tell the average rate of the present duty—although it is most unequally distributed—it is 1*s.* 6*d.* per cent; we propose to equalise it at the rate of 1*s.* per cent. I may say generally that the effect of this change will be to lower the rate of duty upon all bills of exchange of amounts less than 1,000*l.*, and to raise it somewhat in amount upon those above 1,000*l.* Estimating, then, the future income at the rate of 1*s.*, instead of 1*s.* 6*d.* per cent would give a revenue of 434,000*l.*; but I have no doubt that the effect of this law—as it will make a system applicable to small amounts of money which hitherto almost entirely, but not quite, has been inapplicable to them—will be to draw a good deal of capital into action in this form, which hitherto has been dormant; and I consequently anticipate that a considerable accession to the revenue will take place from the issue of a larger number of stamps upon bills of exchange for small amounts. From that source I anticipate an increase of 60,000*l.*; I will allow 50,000*l.* for the proceeds of the stamps on foreign bills of exchange, and these sums added together will give a total revenue of 544,000*l.*, which is within a trifling sum—a sum of 11,000*l.*—of the revenue at present derived from that source.

There is only one other subject on which I have to trouble the Committee; it is one that does not require me fortunately to trouble them at any length. I shall lay upon the table to-night a Resolution, having reference to the income tax, and intending to give effect to the proposal I have stated, but I have also given notice on the Votes that I intend to ask the House of Commons to-night for a Vote of 1,750,000*l.* of Exchequer bills, and this Vote will require from me a few words of explanation. The Committee are aware that the balances in the Exchequer are low at the present moment. I must confess that I do not think that that is an unfortunate circumstance, taken in conjunction with the occurrences that are going on, and the demands that are made upon us. I am afraid that if there had been 4,000,000*l.* or 5,000,000*l.* in the Exchequer over and above what was required for the public service, there might have been a strong temptation to say, "we will raise money by taxes for the war expenditure when it is wanted, but here are those balances, that are lying perfectly idle; let us apply them in the first place." Whether that temptation would have been a strong one or would have been a weak one, it has, however, been removed; and at present the balances are in such a condition, that although we could have gone on perfectly well supposing no extraordinary demands had been made upon us for military expenditure, yet in consequence of those demands they would require somewhat to be replenished. We shall ask for an addition to the income of the country amply sufficient to cover the deficiencies that are now estimated; but I also think that we shall not realise the income derivable from that addition of revenue until towards Christmas. While, on the other hand, the expenditure for which we have to provide, or at least a large portion of it, is an expenditure that must be felt in the next quarter, or in the following quarter. We therefore thought it prudent—and I think the Committee will have no doubt of the prudence of it—to ask for power, to be exercised in case of need, to make a moderate issue of Exchequer bills. At the same time I think it is very important to remove misapprehension on the subject, because there is a natural jealousy about making additions to the unfunded debt. I must confess that, if it were compatible with other objects, I think it should be the great object of a sound financial policy to effect a reduction of that debt. I am therefore perfectly desirous that the Committee should understand, when the authority has been given to raise 1,750,000*l.* by Exchequer bills, that I now ask that as an authority that will only be exercised to such an extent as may be found convenient for the public service. I do not expect that it will be found necessary to exercise that power to the full extent, but probably it may be necessary to exercise it in part; but if it should be exercised to the full extent, and if every farthing I ask for authority to issue should be issued in consequence, I wish the Committee to understand that the unfunded debt after the full exercise of that power will only stand at the point it stood at twelve months ago. At that period the unfunded debt amounted in round numbers to 17,750,000*l.*; at the present moment the unfunded debt amounts in round numbers to 16,000,000*l.*—large purchases of Exchequer bills having been effected from various sources, chiefly by the National Debt Commissioners, during the last year, and 400,000*l.* having been exchanged for permanent Exchequer bonds. That being so, I simply propose to take power to fill up the margin which I have already created, and I will make in no case any addition, except, perhaps, to the extent of 10,000*l.* or 20,000*l.* to the amount of the unfunded debt, in consequence of the measure I now propose.

I do not think, Sir, the Committee have any reason to be dissatisfied with the state of the public credit as indicated by the condition of the unfunded debt. It is quite true that it has been found necessary to make a great increase in the rate of interest upon Exchequer bills. At present the rate of interest upon Exchequer bills is 2*d.* a day, that is, in round numbers, 3 per cent per annum; at this time last year, or, at least, a little later, the interest on Exchequer bills was only at the rate of 1*d.* a day, or 1½ per cent per annum. It has doubled in the interval, owing to the great pressure upon the money market. But the increase of interest has not been confined to this country—the same increase has taken place in France. In France twelve months ago the *Bons de Trésor*, which correspond to our Exchequer bills at short dates, bore 1½ per cent interest—they now bear 3 per cent; the long bills in France were twelve months ago at 3 per cent, and they are now, I believe, at 5½ per cent; and the Exchequer bills that are floating in this country have, until within the last two or three days, carried a premium of from 19*s.* to 22*s.*, being at the rate of 3 per cent per annum. These Exchequer bills that I now ask the Committee to authorise the Government to issue are in reality what the other Exchequer bills falsely purport to be, that is, they are Supply Exchequer bills. The mass of unfunded debt still goes by the name of Supply Exchequer bills, though they have no connection with supply at all. They constitute a debt permanent in itself, but the obligations of which are renewable from year to year. When under a regular Sessional Act you issue authority to raise so many millions on Exchequer bills, you do so not to pay them when they become due, but to replace them with other Exchequer bills. But these are Exchequer bills of a different class; they will be issued in anticipation of supplies for which you shall have given authority; and when the supplies shall come in, and when the Exchequer bills shall have run for their appointed term, they will be paid out of the supplies when they are realised, and no more will be heard of them. That is the case with respect to the Exchequer bills, but they are connected with a subject to which I adverted when I commenced what I had to say, on which some information is due from me to the Committee. You will no doubt desire to know the situation in which the public financially stand with relation to an operation, abortive in respect to its main parts, which was last year attempted on the public debt. The Committee are aware that the commutation of stocks which it was proposed to effect succeeded only to an insignificant extent. The whole amount of new security created in consequence of the commutation, was about 3,500,000*l.*; but of the main stock that was to be compulsorily paid off, unless commuted under the Act of last Session, 8,000,000*l.* have been, or will be, presented for payment; and the public balances, which, as I have said, are low, whereas twelve months ago they were high, have been employed in paying off those minor stocks, and will be employed in paying off what remains to be liquidated from them on the 5th of April, together with supplying what will be necessary for another useful operation, namely, the liquidation of a debt that was charged some time ago upon the landed revenues of the Crown. It is not possible for me to give the Committee a precise and accurate statement of the cost upon the one hand, and the saving upon the other, connected with these operations. I can present to you the saving, but I cannot precisely present to you the set-off against that saving. The saving stands as follows:—Annual diminution of charge by stocks paid off in June, 1853, 186,000*l.*; annual diminution of charge by stocks to be paid off in April next, 63,000*l.* The saving effected by the liquidation of the debt charged upon the land revenues of the Crown which was paid off out of the public balances is 27,000*l.*; the savings effected by the extinction of various minor charges in the details of those operations is 9,000*l.*; and the total saving is 285,000*l.*; but, mainly in consequence of the large drain upon the public balances, it has been necessary to apply the sinking fund money, which would otherwise be available for the purchase of stock, to a considerable extent towards the redemption of deficiency bills. I think that 2,300,000*l.* has been already applied in that manner, and a further sum will be so applied, so that the Committee and the country must take, as a set-off against the saving I have shown, the amount of dividend payable upon the stocks which would otherwise have been extinguished. It is impossible to say to what amount that saving would have reached; but so far as the application of those surpluses have at present gone, or can now be foreseen, it would amount to about 102,000*l.* I think it is possible that it may be necessary to make a further similar application to the extent of from 1,500,000*l.* to 2,000,000*l.*; and, if so, I ought to add 50,000*l.* to the 102,000*l.* as a set-off against the saving by the extinction of stocks. If, therefore, I take it at 152,000*l.*, that will leave a total net and permanent saving, in consequence of the employment of the public balances, under the Act of last year, of 133,000*l.* per annum. I stated last year, that I thought, however unfavourably circumstances might go, there could not be much less than a permanent saving of 100,000*l.* a year. And so far as I am able to correct that statement by experience at this time, I shall now put it down at 133,000*l.*

The proposition I have made involving some considerations of policy that require a great deal of reference to detail, has led me into a statement of considerable length; but the Committee will, I know, comprehend that they are capable of being summed up in a few words. Setting aside the collateral measure respecting the bill stamps, and some other questions of great interest to various classes—such as the question with respect to the refining of sugar, upon which I propose to declare the intentions of the Government on some day after Easter. Setting aside those secondary and collateral points, my proposal is this:—I would propose simply in the first place, that you agree to double the first half-year's payment of the income tax in respect to the year 1854-5; and that you should make provision for the interval that must elapse before the tax is actually levied, by the issue of Exchequer bills, which issue is to be within the amount of 1,750,000*l.*, and which Exchequer bills, if issued, will be paid out of the growing produce of the revenue. We have sought, Sir, in this proposal to meet the obligations which were, as we thought, attached to us as a Government. We have sought to make a competent provision for the immediate exigencies of the country; and for carrying out the operations that are in prospect with vigour. We have sought also to leave the House of Commons the greatest possible control over the public expenditure, and have placed ourselves in such a position, that if the operations of the war should be prolonged, it will be necessary for us again to come before you, and ask you further to enlarge the resources of the Exchequer. If that necessity shall arise, Sir, we shall come again with the same confidence with which we now make our demand; and we are satisfied that it will be the opinion of Parliament that in thus proposing a measure which is adequate for the needs which have been made the subject of reasonable calculation, and in leaving for a future period of the Session any measure that may be required for further needs then emerging, we have taken the course that is most agreeable to our own position and duties as the Ministers in a constitutional country, which is most for the interest of the people of this country, and which we are satisfied will not tend to any forfeiture of the approval or confidence of the House of Commons. Sir, I now propose to put the Resolution with respect to the Exchequer bills. With respect to the income tax Resolution, I propose that the Committee of Ways and Means shall sit again, for the purpose of receiving it, on Monday next.

The Resolution that 1,750,000*l.* Exchequer bills be voted having been read by the Chairman,

MR. E. BALL said, that in reference to the proposed increased income tax, payable in April, he thought it unfair that the whole increase should be made payable in the first half-year. Supposing a tradesman, or a merchant, had returned his income last year at 2,000*l.*, he would have to pay the increased rate in April of the present year, when, in fact, his income might have fallen to 1,000*l.*

THE CHANCELLOR OF THE EXCHEQUER said, he was not sure that the hon. Gentleman was precisely aware of the mode in which the income tax assessment was levied. Every assessment was made annually, but the tax was levied in two moieties. The assessment would remain precisely the same, and it would be levied upon precisely the same basis as at present, only that it would be 10½*d.*, instead of 7*d.*—and 7*d.* instead of 5*d.*—due in respect of the whole year, not to be paid in two equal payments of 5¼*d.*, but in one payment of 7*d.*, and the next of 3½*d.*

Mr. HUME said, he thought the Committee must have heard with great satisfaction the statement of the right hon. Gentleman, who had laid the facts before them with great clearness. He would only remark on the speech of the right hon. Gentleman as another step in the removal of indirect taxation, and he should refer to it by and by as a ground for a further reduction of indirect taxation which would not entail any loss of revenue, while it would confer great benefits both on consumers and producers. As to the expenditure proposed he would say nothing, as he was willing to adopt the statements of the Government, who, he believed, had acted wisely in proposing an addition for the year only, leaving the wants of the ensuing year to be dealt with in the next Session of Parliament. He had hoped that the Government intended to levy the property tax upon incomes of a lower amount even than at present. He was clearly of opinion that all real property should be charged, and that all incomes down to 50*l.* or 60*l.* a year should be brought within the scope of the tax. He hoped the Government would reconsider that proposition. He wished to make a remark upon the eagerness which people had displayed in behalf of our going to war. Before that House had had an opportunity of calculating the expense or estimating the other evils which would attend the struggle, meetings of corporate bodies were held in different towns, and resolutions of a strong character passed, for the purpose of urging upon the Government the propriety and duty of precipitating a sanguinary contest. It was only fair that persons in those towns who were thus anxious for war, and who clamoured for it without any adequate knowledge of the circumstances, and who were utterly incapable of forming a sound opinion upon it, should be called upon to pay towards defraying the expenses of the war. With the exception he had mentioned, he considered the steps indicated by the right hon. Gentleman the Chancellor of the Exchequer perfectly satisfactory. He congratulated the right hon. Gentleman upon his proposal to relieve the community by equalising the duties upon bills of exchange; but there was another tax which he (Mr. Hume) regretted had not been attended to, the tax upon insurances of all kinds. He could prove that, in consequence of the present duty on insurances, not one-third of the property of this country that ought to be insured was in that condition. The duty was a tax upon prudence and frugality; it ought to be as light as possible, in order that the principle of insurance might be generally taken advantage of, so that the working man might insure even his tools against danger, and that at the least every householder might participate in its benefits. The difficulty of insurance ought to be mitigated as much as possible. At present a man had to pay 1*s.* 6*d.* for the insurance and 3*s.* for a Crown duty, which made the tax a very heavy one. He trusted his right hon. Friend would take this matter also into his consideration at the earliest convenient period. In a system of taxation, wherever exceptions were made, injustice was perpetrated. There were exceptions, for example, made in behalf of a certain class of property which was not liable to the payment of the insurance duties. He did not see the justice of inflicting an impost upon manufacturers' property and exempting the property of agriculturists. On the same wise principle that the Chancellor of the Exchequer was about to apply to bills of exchange—namely, the uniform rate—he (Mr. Hume) called upon him to remedy the evils that existed with regard to life and fire insurances. He would not, at that time, allude to other duties, such as that on paper, which, he contended, might be remitted without a loss to the revenue; but he certainly wished this particular tax modified, as its continuance in its present form discouraged persons from insuring their property, and, of course, subjected them to a large amount of unnecessary risk. He also wished, before sitting down, to suggest that the Government should apply taxation in such a way, as to extend it, as far as possible, to all real property, no matter how small in value.

Sir HENRY WILLOUGHBY said, he hoped the right hon. Gentleman would afford some explanation to the Committee with regard to the Resolution on the table, namely, for the issue of 1,750,000*l.* in Exchequer bills. The right hon. Gentleman said, that there would be a surplus of about 2,854,000*l.* on the year 1853; and the question he (Sir H. Willoughby) wished to put was, had we increased the national debt in the year 1853—had any new three per cent. stock been created? He asked this question, because from a paper on the table of the House, it appeared that 1,274,000*l.* of fresh stock had been created, 383,000*l.* of it in May last, and 891,000*l.* in the autumn of that year. That was a very important circumstance, because it was perfectly illusory to talk of surpluses if the national debt was being increased. Again, the debt had been increased without that House being aware of it; and he called upon the hon. Member for Montrose (Mr. Hume) to observe the manner in which the increase had taken place. The Commissioners for the Reduction of the National Debt had last year authorised a certain sum of money belonging to the savings banks, amounting to nearly 1,200,000*l.*, to be invested in Exchequer bills. He trusted that the Committee would mark that fact. At the time when the right hon. Gentleman most unwisely reduced the interest on these bills to 1*d.* per day, the premium fell, and they became very nearly at a discount. The effect of the measure was to shake the confidence of holders of this species of security; but the fact was, that the 1,200,000*l.* to which he had referred, had been converted into Exchequer bills; and what was the process by which it was done? A clause in an Act of Parliament, the 4th *Will.* IV. sect. 25, gave the Commissioners for the Reduction of the National Debt a power of changing the savings-bank money from Exchequer bills into stock, and *vice versâ;* and then there was a power of increasing the debt, according to the number of Exchequer bills that were held. The consequence was this, that 1,200,000*l.* of the three per cent. stock had been created in the year 1853. What, therefore, was the use of that House granting any more Exchequer bills; for they would have just the same thing done over again, and the same result attained, through the tortuous process which he had stated? He quite agreed in the proposal to defray the expenses of the war by the votes granted in each year; but what he objected to was, the creation of additions to the debt such as he had described, by an indirect and unconstitutional process, and without the knowledge of the House of Commons, thereby involving the whole financial operations of the country in mystery. If they wanted to increase the debt, let it be done directly and openly. This point went to the very root of the right hon. Gentleman's financial statement, and it ought therefore to receive full explanation. The right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) had years ago pointed out the enormous evil which transactions of this nature inflicted on the savings banks. He would now abstain from entering into other questions touched upon by the Chancellor of the Exchequer, because he would have other opportunities of expressing his opinions upon them.

Mr. W. WILLIAMS said, he gave the Chancellor of the Exchequer every credit for the means he had suggested for raising the necessary surplus for carrying on the impending war, but he must remark that the course pursued by the right hon. Gentleman was very different to that pursued by Mr. Pitt at the commencement of the last war. In the latter case the levying of taxes for the purposes of carrying on the war was postponed for between four and five years, and the consequence was, that between 100,000,000*l.* and 200,000,000*l.* were added to the national debt, which the people of the present day and their posterity had to pay. In the year 1797, before the war taxes were laid on, 34,000,000*l.* were borrowed, though only 17,000,000*l.* were actually received. He (Mr. Williams) should not have risen to address the Committee on the present occasion, if it had not been to remind the right hon. Gentleman that he had promised last Session to extend the legacy duty to tithes, and he (Mr. Williams) expected that proposition would have been carried into effect now. He had also understood the right hon. Gentleman to propose to extend the probate duty to real property; and, had those two points been brought forward now as part of the Budget, he believed nearly all the increase proposed in the income tax might have been dispensed with. In the absence, however, of extended legacy and probate duties, he highly approved the course pursued by the right hon. Gentleman in raising the addition required in the revenue by an increase of the income tax, instead of interfering with the reductions made upon important articles of consumption in the Budget of last year.

Mr. HENLEY said, he did not rise to offer any observations upon the general features of the right hon. Gentleman's plan, but merely to draw the attention of the Committee to one portion of it only, that referring to the issue of 1,750,000*l.* in Exchequer bills. The right hon. Gentleman had laid down the proposition that it was of great advantage to a Chancellor of the Exchequer to have no money in his pocket at a time when he expected a heavy demand for it. Now, well knowing in what financial school the right hon. Gentleman had studied, he (Mr. Henley) confessed that he was rather staggered at the remark, for he had a clear recollection that when the late Sir Robert Peel took the management of the finances of the country in the dilapidated state in which they were handed over to him in 1841, by Gentlemen some of whom were now sitting on the Treasury bench, if there was one point upon which the right hon. Gentleman laid greater stress than another, it was, that the Government should keep a balance in the Exchequer, in order to render them not only independent of circumstances, but also independent of the Bank of England. He had a perfect recollection of the stress that great statesman laid upon this point, and the efforts he made, with the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) as his Chancellor of the Exchequer, to put the Exchequer balances in a satisfactory state in this respect. What was the position in which we now stood? For reasons which seemed good to the right hon. Gentleman, the balances in the Exchequer had been cut down to what he had termed an inconvenient amount. That was his own confession, and to remedy this state of things he asked the Committee to grant him first a temporary supply—it remained to be seen whether that would be temporary or permanent—by the issue of Exchequer bills to be paid off when the money came in at Christmas next. Of course he (Mr. Henley) did not understand how the balances in the Exchequer would be affected by the process; but in the meantime the expenditure would be going on *pari passu* with the issue, consequently the surpluses in the Exchequer could not be expected to differ very much from what they were at present. Be that as it might, however, it appeared that on account of the low point to which the finances were brought, and the small balance remaining in the Exchequer, the country was now to be punished by having to pay a double income tax on the half year. [The Chancellor of the Exchequer intimated dissent.] The right hon. Gentleman shook his head. But he (Mr. Henley) took it that if the receipts came in in the ordinary way, the balances remaining in the Exchequer would have tided him over that period without having to issue 1,750,000*l.* in Exchequer bills, and require the country to pay two half-years' income tax in one, for that was what the right hon. Gentleman's proposition really amounted to. Last year the right hon. Gentleman complained that he was so overwhelmed with the money he had in the Exchequer that it was absolutely necessary to resort to some extraordinary means to get rid of it. Well, he had succeeded in getting rid of it, and what was the result? Neither more nor less than this—he proposed to issue Exchequer bills to the amount of 1,750,000*l.*, and the community would have to pay by next Christmas an amount of income tax that ought to have been spread over another half-year. If they proceeded in this course, therefore, he apprehended the country would continuously feel the evils and inconveniences which were attendant upon the operation of cutting down the balances in the Exchequer. With regard to the general propositions of the right hon. Gentleman, some of his statements were undoubtedly sound. The right hon. Gentleman had said that those classes who had urged the Government to go to war ought to sustain the pressure of the increased expenditure. That was a very sound principle, but he did not think the right hon. Gentleman in his scheme had consistently adhered to it, because the extra taxation which it was proposed to impose would fall on a limited number of individuals, and the result would be, that those parties who had been most clamorous for the war would in no sense have to bear their fair share of its burdens.

Mr. GLYN said, he must remind the right hon. Gentleman (Mr. Henley) that the Exchequer balances to which he had referred had been applied to reducing the floating debt, and what was now asked for was simply that a portion of that floating debt should be revived. He could see no good whatever in keeping large balances on hand; it obstructed commerce while it diminished the currency; but, on the other hand, a great saving was effected to the country by reducing the interest payable on the floating debt. His object, however, in rising was not so much to comment upon the observations of the right hon. Gentleman opposite, as to direct attention to the operation of the Currency Act of 1844. It should not be forgotten that we were about to engage in a long and arduous contest for the first time under the operation of that Act, and he must confess, he for one did not feel quite secure, in this state of things. He was perfectly aware that the resources of the country were larger now than probably they ever were at any previous time ; but, nevertheless, he could not help feeling that the operation of that Act upon the commerce of the country, combined with the obvious drains which must be made upon the resources of this country for foreign purposes, was a state of things which should be looked to with some degree of apprehension. By that Act a limit was put upon the currency of the country, or, in other words, the issues of the Bank of England were restricted to a particular amount, while large issues which before had been at the disposal of the joint-stock and country banks were altogether withdrawn from the use of the country. By the operation of that Act the circulation of the country banks was fixed at a certain amount, and a very considerable reduction had taken place in the amount of those fixed issues — namely, about 700,000*l.* Now, as the machinery of the Act provided the mode by which this reduction might be replaced, he could not see any reason why the Government should not avail itself of the opportunity which it now had of replacing this 700,000*l.*— a very large sum in connection with fixed issues — thereby increasing that amount not to the Bank of England, but to the public treasury. He would not detain the Committee any longer, but he hoped that the right hon. Gentleman would turn his attention to this point, which presented a means by which he might assist his finances rather than otherwise.

Mr. VANCE said, that as one of the merchants of that House, he objected to the operation which would result from the right hon. Gentleman's proposition with regard to Exchequer bills. That operation would fall, by his legislation, heavily upon one class of holders, and that class the one not best able to bear the loss. No doubt the Chancellor of the Exchequer was aware that the drawer of a bill of exchange had the entire profit of the original transaction, and those parties among whom it circulated afterwards had perhaps a small rate of interest upon the discount — or a small commission. Now, in Ireland with regard to bills of exchange that rule was observed — the drawer paid for the stamp, and among all other parties the bill circulated without any charge, except the ordinary charge of transfer. But take, for instance, bills of the North American Colonies. Bills from those countries circulated very largely in England. They were unstamped, and it would be a rather dangerous measure for this country to attempt to stamp them—an attempt of that kind conjoined with others had dissolved the union between themselves and the United States. The bills came from the Colonies to an agent in England, to make payments of any kind, and they were placed to the credit of the merchant, and passed through his hands without any profit. The merchant received and opened the letter, and he was forced to go to the Stamp Office and get it stamped, while the original drawer was exempt. The hon. Gentleman who had last spoken was, no doubt, well aware of the nature of these transactions, and, he was sure, would bear him out that it was unfair to place the taxation of this kind upon one class of holders of bills. Then, with regard to the proposition of *ad valorem* duty upon bills of exchange — the drawer of a small bill of exchange was a retail dealer, while the drawer of a large bill was most likely a Liverpool broker, who transferred large quantities of merchandise for perhaps only one-half per cent commission. He regretted that any additional taxation should be placed on the transfer of these commodities in gross, which would affect them, and he trusted that, before these propositions were pressed upon the Committee, they would be reconsidered by the right hon. Gentleman, and that he would take the opinions of the mercantile communities upon them.

Mr. MALINS said, the question which the right hon. Gentleman had propounded was one of the gravest that could be placed before that House. It was, whether they should borrow money to carry on the war, or whether it would be a wise and prudent course to pay their way as they went on. He quite concurred that it was wise to pursue the latter course. But the right hon. Gentleman had proposed to raise the income tax from 7*d.* to 10½*d.* in the pound ; and, in order to procure the money, he had proposed to raise the whole additional increase in the first half-year. In that he should concur, also, if it affected himself only, or those persons who could meet the demand made upon them; but when he remembered what a numerous class were those who saw the approach of the tax-gatherer with dread, he would suggest to the right hon. Gentleman whether it would not be wiser to ask for half the increase in the first half year, and the other half in the second. It would make the burden easier to those who were scarcely able to bear it; and it would not inconvenience the Government, as the right hon. Gentleman had stated that he intended to issue Exchequer bills in anticipation of the supply. He trusted that the suggestions thrown out by the hon. Member for Kendall (Mr. Glyn), and those which he had brought to his notice, would receive that attention which the gravity of the subject demanded. He would ask the right hon. Gentleman, who was entering on a war which would cost so vast a sum, whether he was prepared to carry on that war with a restricted currency? By the repeal of the Act of 1844 the country was saved from a national bankruptcy. [*Cries of* "No, no."] Hon. Members might say no, no; but then it was a fact that the reserved notes in the Bank of England had fallen to 900,000*l.*, and the discount had risen to 8 per cent. Commercial men from all parts waited on the Chancellor of the Exchequer of that day and other Ministers, and pointed out the fact that, unless something were done, the most disastrous state of things would inevitably ensue. The country was saved by the repeal of the Act of 1844, therefore, for what else was the letter of the Chancellor of the Exchequer, empowering the Bank to make an alteration in the law, but a repeal? for it authorised the Bank of England to act in defiance of that measure. Unless the danger had been most imminent, how could they justify themselves for having taken such a step? They were now entering upon a war, the termination of which nobody could foretell. It would be impossible to carry on the war with vigour unless the finances of the nation were in a healthy state. He said he was sure he was speaking the sentiments of a large portion of the community when he said that they were ready and most cheerfully willing to grant the supplies necessary to carry on the war with vigour; but they required that the war should be prosecuted with vigour and brought to a speedy termination. It had been thought that the energies of the Government had not corresponded with the energies of the nation, and he would therefore recommend Her Majesty's Ministers to prosecute the war with a determination to bring it quickly to an end. He expressed the hope that the Government would pay attention to these subjects, and that they would not find themselves in 1855 in the same position as the Ministry of 1847 were, after disregarding the warnings which were given to them in time to prevent it. There was one other subject on which, however, he (Mr. Malins) had been anticipated by the hon. Member for Kendal—namely, the amount of issue available under the Act of 1844. Beyond 14,000,000*l.* there was no issue except it was based upon an equal amount of gold in the Bank cellars. There were now about 16,000,000*l.* of gold in the Bank; which, added to the 14,000,000*l.*, gave an available circulation of 30,000,000*l.* The actual circulation, however, was only 23,000,000*l.*, leaving 7,000,000*l.* of reserve notes in the hands of the Bank. It was on these reserve notes, or unemployed balances, that the prosperity of the country under Sir Robert Peel's Bill mainly depended. These reserves were lately 10,000,000*l.*, with discount ruling at 2½ per cent. At this moment they were 7,000,000*l.*, with discount at 4½ per cent. It was a principle of Sir Robert Peel's Bill that the Government had the power of increasing the number of notes authorised to be issued by the Bank of England; and as 700,000*l.* of country notes had been withdrawn from circulation, he put it to the right hon. Gentleman whether this deficiency should not be at once supplied by an increased issue on the part of the Bank of England?

Mr. W. BROWN said, he very much agreed with the sentiments which had fallen from the hon. and learned Gentleman (Mr. Malins) as to the serious loss and inconvenience which were occasioned to the country by the Act for restricting the currency. They all knew very well that at the time when the order of the 26th October, 1847, was issued, giving to the Bank of England a discretionary power to discount bills, many large houses were on the eve, if not of bankruptcy, at all events of serious damage. They knew very well that orders were suspended, that the trade of the country was paralysed, while the 6,000,000*l.* or 7,000,000*l.* locked up in the Bank deposits might as well have been thrown into the ocean. He hoped that the Chancellor of the Exchequer, in entering upon this war, would do so with the determination to remove all these restrictions on the currency, which tended to fetter trade and commerce. Having expressed his views at some length on a former occasion, he would not trouble the Committee further at present than to express his strong dislike and disapprobation of a Bill which had proved so injurious to the commerce of the country.

Mr. G. A. HAMILTON said, he wished to say a few words on the very large sum of money belonging to savings banks which had been invested by the Commissioners of the National Debt in the purchase of the Exchequer bills. He thought, from the papers which had been laid before the House, that this was rather a new practice, for, more than a year previous to the 5th of May, 1853, no purchase had been made by the Commissioners of the National Debt of Exchequer bills, but all the investments had been purchases of stock. But just at the period when Exchequer bills were beginning to decline, it appeared to have become the object of the Commissioners and of the Chancellor of the Exchequer to keep up the credit of these bills, and, accordingly, they purchased them with the deposits of the savings banks, which they afterwards cancelled and converted into stock. Now, what his hon. Friend (Sir H. Willoughby) wanted was, to know whether these bills had been cancelled and converted into stock; and if so, how much had been added to the national debt?

The CHANCELLOR of the EXCHEQUER: Sir, I did not overlook the question put to me by the hon. Baronet the Member for Evesham (Sir H. Willoughby), but I thought it would be more convenient to the Committee if, instead of rising again and again to answer questions, I were to wait to hear the opinions of other hon. Gentlemen, and answer the various points once for all. Before I answer that question now, allow me to direct my attention first to the observations of other hon. Members. The hon. Member for Lambeth (Mr. W. Williams) stated that I made a promise last Session that I would this year apply the probate duty to land and the succession tax to tithes. Sir, I am not conscious of having made such promise with regard to the question of a succession duty on tithes; that question was carefully examined last year, and the Government came to the conclusion that the old succession tax, in a modern form, was still applicable to tithes. But the proper time for the discussion of that question will come when I introduce a Bill, which I fully intend to do, for the application of the succession tax to corporations. At the same time, I did not advert to that Bill in my statement, because, in a financial point of view, the result of such a tax will be extremely narrow. With regard to the probate duty on land, I am sorry to say that the state of our finances will not allow me to open up the whole question of that duty, but I must now state that I never was authorised by the Government of which I am a Member to make any such promise. I am not aware that I ever did make it, and therefore I think I may fairly say that I never did make such a promise. With regard to the remarks of the right hon. Member for Oxfordshire (Mr. Henley), he says that I hold a doctrine contrary to that of Sir Robert Peel with respect to the state of the public balances. Now, Sir Robert Peel issued his doctrine with respect to the state of the public balances at a time when deficiency bills were charged against the public to the extent of between 8,000,000*l.* and 9,000,000*l.* But when they had not reached an inconvenient height, and were only 2,000,000*l.* or 3,000,000*l.*, the circumstances are very different. With respect to trade and circulation and public economy, the really wise course with regard to public balances and deficiency bills is a middle course. It would not be wise to go on increasing deficiency bills to an indefinite amount, or to such an amount as 8,000,000*l.* or 9,000,000*l.*, but as long as they do not exceed 2,000,000*l.* or 3,000,000*l.*, no inconvenience is caused. It is, I maintain, much better to create deficiency bills to a moderate amount—of course, taking care that it is a moderate amount—and it is upon that principle I have acted. Hon. Gentlemen mistake much if they suppose that a high state of public credit is at any time entirely owing to the state of our public balances. That may have something to do with it; but the real secret of a high state of national credit is this—to keep our revenue above our expenditure. As long as you do that, I will answer for it that the public credit cannot be in a bad state, and I venture to ask the Committee whether the public credit could be better tested than it is now, when we have the price of 91 for our three per cents, at a time when we are about to enter into a European war? The hon. Member for Kendal (Mr. Glyn) has adverted to the decrease in the issues of private banks and consequent extinction of a portion of their circulation, and other hon. Members have entered into a still larger field, so that we are threatened, if we do not take special care, to be involved in a financial discussion upon the operation of the Bank Act. Sir, it is early in the day to enter upon such a discussion with reference to this war. It appears, indeed, that the Emperor of Russia has already set hon. Gentlemen an example of "striking the fetters off currency;" but I trust that in no point of view is his example one which will readily be followed in this country. But the question—which is undoubtedly worth considering—relates to the issues of private banks. Sir, I believe that the Government has not the power of moving in this matter without the concurrence of the Bank of England; and the Bank of England, unfortunately, has never been in a condition to make it for the interest of that corporation to give its concurrence. Circumstances may undoubtedly arise which may make it for the interest of the Bank to do so, and that power may be usefully retained as a reserve power. The hon. Member for Dublin (Mr. Vance) has made some reference to the measure I propose with respect to foreign bills of exchange. Perhaps it would be better that I should ask the hon. Gentleman to wait till my measure is laid upon the table. As far as I was able to follow his observations, I do not much differ from them, and when the hon. Member sees the Bill, which I hope will be printed in two or three days, I trust he will find that it is not obnoxious to the objections he has urged. With respect to the observations which were made by the hon. and learned Member for Wallingford (Mr. Malins), and also, I think, by the right hon. Member for Oxfordshire (Mr. Henley), on the hardship of people being called upon to pay double income tax within the first six months, I can assure the hon. Members that the reason they assigned for that measure is not the true one. The state of the public balances did not enter into my mind, or into the mind of the Government, in making the arrangement. But the real reason why we ask for a double income tax during the first six months of the year is this—that for twelve months, from the 5th of April next, we cannot tell what the state of our expenditure may be. We propose this plan because we feel it probable that if we are engaged in active warlike operations for a whole year, we may again be compelled to come before Parliament for supplies. I believe that we have made provision for the first six months of the year, therefore let us raise the supplies for the first six months of the year. That is our principle, and it has nothing whatever to do with the balances. And now, Sir, for the question that was put to me by the hon. Baronet the Member for Evesham (Sir H. Willoughby) and which was followed up by the hon. Member for the University of Dublin (Mr. G. A. Hamilton). The hon. Baronet asks me whether the forms of law were gone through in the purchase of Exchequer bills with the money in the savings banks, and in their subsequent conversion to stock. Sir, undoubtedly they were. The forms of proceedings were complied with, which charge the whole proceedings upon the responsibility of the officers of the National Debt Office, and that being so, the operation takes effect invariably as a matter of course. Sir, the power which is given to the Chancellor of the Exchequer as the chief of these Commissioners is this—he may, if he please, apply the money in his hands to the reduction either of the funded or the unfunded debt. If he applies it to reduce the unfunded debt, then the Commissioners hold a given number of Exchequer bills; but these Exchequer bills, in the course of time, run through their period of service; and when that arrives, then the Chancellor of the Exchequer must make provision for their exchange into some permanent security. Now, the hon. Baronet the Member for Evesham asks me if that is not an addition to the national debt? [Sir H. WILLOUGHBY: The funded debt.] I mean the funded debt when I speak of the national debt. Sir, that is a question which the hon. Baronet is quite as competent to answer as I am. The Commissioners for the National Debt stand in this singular predicament, that while they are debtors to the trustees of the savings banks, they are creditors to the nation. The nation pays a large sum to the Commissioners of the National Debt, which they are bound to dispose of in investments. An amount of stock to the public credit is thus created and put to the credit of the national debt, and the dividends are payable to them, which also they are bound to reinvest according to law. Under these circumstances, it is for the hon. Baronet himself to say whether that is an addition to the national debt or not. With regard to the process pursued, I agree with the hon. Baronet that it is an extremely complicated one, and very difficult for Members of this House to understand; and I shall be very glad if I shall be able to suggest a simplification of the process. But I would advise the Commissioners of the National Debt to employ the money entrusted to them at all times in such a way as shall be most advantageous at the time to the public interest. The hon. Member for the University of Dublin says that this is not a usual way of employing the savings banks' money. That is very true, because the circumstances under which the money was so employed are not usual. The Committee must recollect the position of the Chancellor of the Exchequer with respect to Exchequer bills. Circumstances may arise in which he is bound to raise the rate of currency of those bills; but if he does so, he must raise the rate of currency upon the whole, and for the whole remaining period of the twelve months which the bills have to run. That is a very serious matter, involving, perhaps, the sum of 200,000*l.* of the public money. If he thinks that the circumstances of the country are such as to justify the increase, it is undoubtedly his duty to do so. But if, on the other hand, the circumstances are of a doubtful or equivocal kind, with a probability that the pressure may pass away in six weeks or two months; and if he has any reason to expect that to be the case, it will then be his duty to be careful how he raises the interest of the money for the whole year. But it is equally his duty to make some provision to prevent the holders of Exchequer bills from parting with their securities at a discount, which would be a hardship upon the holders, and would not be advisable for the credit of the bills themselves. Under such circumstances, the Chancellor of the Exchequer will best use the advances in his hands by employing them to relieve the pressure on Exchequer bills. The Committee will doubtless remember the state of the weather last year, and the prospects of the harvest, which were gloomy, though it was not clear that there might not be a change in the months of June and July, so as to have produced an abundant harvest. So also in the political circumstances of the country there was great uncertainty. One day there appeared a prospect of war, another day hopes were held out of a pacification, and even at the close of the last Session Her Majesty was advised to congratulate the country on the prospect of a speedy and amicable termination of the existing differences, and if the harvest had been good there would have been no necessity for increasing the rate of interest of Exchequer bills at all. It was my duty, however, to make some provision for the intermediate time. We, therefore, made purchases of Exchequer bills, and those purchases were made according to law. The complaint of the hon. Baronet that the system is complex is one in which I entirely agree with him, and I should be very glad if I were able to simplify it.

Mr. J. O'CONNELL said, he did not rise to argue that Ireland should not be called upon to contribute to the power of the Crown, the dignity of the empire, and the cause of civilisation itself he might say, in the coming struggle. He would only ask whether it was wise in the Chancellor of the Exchequer to try another turn of the screw on Ireland before he had seen the result of the first? He was not now about to enter into the justice or injustice of the tax which was laid on last year, though if he had been in Parliament on that occasion he believed he could have demonstrated that its imposition was a breach of the articles of Union. But, though the tax had been imposed by the right hon. Gentleman, they were yet to see whether there would not be upon the whole year a diminution in the amount of indirect taxation in consequence of the direct taxation that had been imposed. He feared that it would affect the gross amount of taxation, though they might raise the estimated sum on this individual tax. He did not mean to question the proposition that Ireland ought to bear her share in the impending war. He thought Ireland had already shown a disposition to support the honour of Her Majesty, by so many of her young population flocking into the Army. He only meant to suggest that it might have been better in the present emergency to have tried indirect rather than direct taxation in Ireland. That could have been done by another increase on the duty on spirits, which he believed would have realised nearly the same sum. He should be happy if the right hon. the Chancellor of the Exchequer would reconsider this point; but he must add that Ireland was quite ready to support the honour of the empire in the approaching struggle.

Sir HENRY WILLOUGHBY said, the point to which he wished to draw the attention of the Committee was this, whether the money in the savings banks should be made an engine for creating debt. There was another point he had to complain of—that though by law the Commissioners of the National Debt ought to act as a Commission—though it was provided that ten should be a quorum, and that a record should be kept of all their proceedings, yet in practice the right hon. Gentleman himself was the sole Commission; and he must say that a more dangerous system could not exist than that the Chancellor of the Exchequer, whether through the medium of the savings banks, or in any other way, should be allowed to meddle with the national debt. It was clearly against the intention of the law—and this point he must press upon the attention of the Committee—that there did exist a power of creating debt over which the House of Commons had no control, and which, however they might talk of a surplus, prevented them from ever having a surplus at all. [The CHANCELLOR of the EXCHEQUER: No, no!] But it was so. The same practice had been resorted to in 1834 and 1835, and he (Sir H. Willoughby) then went thoroughly into the question, and he firmly believed that the savings banks funds sustained a loss of nearly 2,000,000*l.* He had been led to believe that the system had been put an end to, but it now reappeared. He hoped the right hon. Gentleman would put the whole system of managing the national debt upon a more intelligible footing. He did not care who was made responsible if he only knew who the responsible person was.

MR. HUME said, if he had been in the situation of the right hon. Gentleman the Chancellor of the Exchequer he would have done the very same thing, but he would have done it publicly. There was nothing to prevent the right hon. Gentleman from applying a portion of the balances of the unfunded instead of the funded debt. He had done so—he ought to have done it publicly—if he had, nothing would have been said about it. He must say they were promised on the last occasion, when the funds of the savings banks were applied in this way, and when there was a very great loss, amounting to very nearly 2,000,000*l.*, they were assured by the then Chancellor of the Exchequer that the practice would never be repeated.

MR. W. WILLIAMS said, that in former times this power had been abused to an enormous extent. What was required to be done by that House was this, to take from the Chancellor of the Exchequer the power of converting the money of the savings banks into Exchequer bills, and then of reconverting them into the funded debt. He recollected that in 1840 and 1841, when the expenditure exceeded the revenue by a very large amount, that practice was carried on to the extent of 3,000,000*l.* The Chancellor of the Exchequer of that day—the right hon. Baronet near him (Sir F. Baring)—when urged on the subject, said he was not prepared to defend the giving a Chancellor of the Exchequer power to act in the manner that he was doing, but the power being invested in him by law, he exercised it because it was the most economical way of making up the deficiency. The right hon. Gentleman the Chancellor of the Exchequer had already made many reforms in the mode of managing the finances, and he hoped that, among others, he would effect this reform of withdrawing the power to increase the debt without the authority of Parliament.

COLONEL SIBTHORP said, he would again assert that the coming war was attributable to the gross mismanagement of Her Majesty's Government. He always should vote against the imposition of the income tax in a time of peace, but when war was inevitable no one was a more determined advocate than he was of the policy that the war should be carried on with the greatest possible amount of vigour that could be adopted, though he very much doubted that such conduct would be pursued on the part of Her Majesty's Government. Though he would not vote for an income tax in a time of peace, his opinion was that the country would be ready, if war took place, to come forward and contribute towards that amount of taxation which might be necessary, in order to inflict suitable chastisement on its enemies. He considered too much encouragement was given to foreigners in this country. If the Government had adhered to indirect taxation, he was certain the country would be better satisfied. Sure he was that the reductions which had taken place on soap and other articles had not tended to remove the burthens which the working man laboured under. He had heard it stated the other day that, though farmers were giving 15*s.* and 18*s.* a week to their labourers, the labourers were no better off than before; for those who used to pay 6*d.* per pound for currants for their pudding now paid 1*s.* per pound. The labourer might receive high wages, but he was no richer than when his wages were low. So with all the attempts of the Government of the day to please that class of persons who would only be pleased by the removal of taxation which relieved themselves—to please flatterers, and those who sat behind them and who gave their support from selfish motives—they had failed with the body of the people—

> "Rusticus expectat dum defluat amnis."

He dissented to the proposition for increasing the income tax for more reasons than one, because he could not help thinking, though the right hon. Gentleman talked of half a year, that it would be imposed for three years next, and after that for three years more, and so on. It was his sincere opinion that no confidence ought to be placed in what fell from the right hon. Gentleman the Chancellor of the Exchequer. He doubted whether there was any surplus at all. In fact he thought it was a piece of humbug throughout.

SIR FRANCIS BARING: I wish, Sir, as allusion has been made to transactions in which I was engaged in 1841, to say one or two words upon this subject, not with any view of entering upon any discussion as to the measures adopted in 1841, but to draw a distinction, which has not been made very clear to the Committee, between two modes of proceeding. In the one case you purchase in the usual way an amount of Exchequer bills, and after a time they are converted into the funded debt. In that case you make no increase of the public debt of the country—you merely transfer the unfunded to the funded debt—in many cases, with extreme advantage. It is a justifiable thing, and I hope the House of Commons will never take that power from the Chancellor of the Exchequer. When the savings banks have money in hand, and you must do either the one or the other, you have a right, in the discretion of your chief Finance Minister, to apply it to the unfunded, rather than, in the first instance, to the funded debt. But there is another transaction, which is a very different one—you may bring up deficiency bills, and then turn them into funded debt. That was what I did, and the effect of it certainly was to increase the public debt. I had a precedent for it. I never said it was not open to objection, and perhaps it might be wise to take that power away from the Chancellor of the Exchequer. I defended the measure at the time, on the ground of the necessity of the case; I thought it was advisable under the circumstances. But I think it would not be wise to take away the power which the Chancellor of the Exchequer now has—a wise and proper power—of converting the unfunded into the funded debt, which has repeatedly been done, and to my knowledge has never been done without advantage to the public service. I believe that the right hon. Gentleman the Chancellor of the Exchequer has tried his hand at both modes——

THE CHANCELLOR OF THE EXCHEQUER: No, never with deficiency bills.

SIR FRANCIS BARING: I thought it had been so. With regard to the surplus being invested in the sinking fund, I believe that he is justified in so doing; but I believe that in no case ought it to be done, either with regard to the savings banks or the surplus, without that House calling for an explanation.

THE CHANCELLOR OF THE EXCHEQUER: I am anxious not to be misunderstood. I have not invested any of the money of the saving banks in deficiency bills. It is true that I hold some savings banks' money in Consolidated Funds, but there has not been the increase of a farthing to the national debt.

MR. DISRAELI: Sir, I collect from the Chancellor of the Exchequer that 1,200,000*l.* has been invested in Exchequer bills, afterwards cancelled, and that the Exchequer bills now moved for will make up the existing sum to the former amount. But from a return in the paper before me, No. 1, moved for by the Secretary to the Treasury, it appears that the Exchequer bills were 17,495,000*l.* I think there is some error here, which the figures of the right hon. Gentleman hardly explain. [The CHANCELLOR of the EXCHEQUER here handed a paper across the table to the right hon. Gentleman.] I have no doubt that this sum led to the misconception of the hon. Baronet the Member for Evesham (Sir H. Willoughby). I quite agree with the right hon. Baronet the Member for Portsmouth (Sir F. Baring) as to the two modes of investing public funds in Exchequer bills; and I am glad that the Chancellor of the Exchequer has called the attention of the Committee to the difference that exists between investing the money of the savings banks in deficiency bills and the accruing revenue. I think the last mode quite legitimate. With regard to the general statement which we have heard to-night, whatever my opinion may be as to the war in which we are about to engage—and certainly its importance is never diminished by anything that takes place with regard to it in this House, or by any allusion made to it by Her Majesty's Government—though every day convinces me more and more that it is a war which might have been avoided, still I believe that it is a just and necessary war in the circumstances in which we now find ourselves, and that we have only one duty under these circumstances, and that is, to give Her Majesty our hearty support in the struggle in which she is about to embark. Therefore I offer no opposition to the Vote which the Minister on his responsibility has thought it his duty to propose to us, in order to carry on the war with vigour, and with the success which I hope it may receive. But while I say that, I must protest—anxious as I am that the supplies for the year should be raised from the revenue of the year—I must protest against the principle laid down by the right hon. Gentleman, that direct taxation—if this contest is to be prolonged—is to be the only source from which our supplies are to be raised. If this struggle should be continued, and if the right hon. Gentleman should succeed in raising the necessary supplies within the year, he will indeed be a fortunate Minister. I cannot anticipate that this will be other than a prolonged contest, and therefore I think we ought to say that direct taxation shall not be the only source by which this prolonged contest is to be carried on. I do not say that the limits of direct taxation have been reached, for we know very well that there have been wars when the property and income taxes were at higher rates than those we at present pay. Nor am I prepared to say that there is any limit at which the taxation of the country can be fixed if we are engaged in a contest on which our very existence as a nation depends. But the Committee must remember that there has been a very considerable addition to the direct taxation of the country of late years, and also an equally great diminution of indirect taxation. Every one feels that the weight of direct taxation has been recently and very considerably increased, and every one must admit—to whatever party in politics or to whatever school of political economy he may belong, every one must admit that the diminution of indirect taxation during the last ten years has been such as to surprise the most sanguine votary of the direct school.

Sir, the hon. Gentleman the Member for Montrose has complimented the Chancellor of the Exchequer on the clear and able statement he has made to-night. Sir, the Chancellor of the Exchequer is used to compliments for his able statements, and no man deserves them better. But I am bound to say, having listened with much interest and great attention to all that fell from his lips, that, although I found one portion of his statement very clear, there was another portion which appeared to me involved in an obscurity which does not become a financial statement—least of all a financial statement made at this moment, and under the circumstances in which the right hon. Gentleman has addressed the Committee to-night. Now, Sir, so far as the right hon. Gentleman's general balance sheet is concerned, nothing could have been more perspicuous, and, so far as concerns the remedies which the right hon. Gentleman has proposed in order to supply the deficiencies which may occur, nothing could be more plain. He gave us our expenditure and our income with a clearness which no man could misconceive, and he announced to us the remedy by which he proposed to supply an anticipated deficiency—a simple and a powerful one—in language which no man can misapprehend. Objections may be taken, no doubt—and I reserve to myself the right to make those objections upon another occasion—to the mode in which the increased income tax is to be levied; but I admit that our revenue and our expenditure, and the means by which an increased expenditure is to be met, were placed before the Committee and the country in a manner which cannot be misunderstood. When, however, I come to the second part of the right hon. Gentleman's statement—that which relates to the actual state of our finances and of our money in hand—I confess I do not experience the same satisfaction or discover the same perspicuity. The right hon. Gentleman, anticipating, probably, the objection, has favoured the Committee with what I will not call an invective, but with an unfriendly criticism against large balances in the public Exchequer. Now, Sir, there may be, no doubt, two opinions on the amount of treasure which you should have at command; but, Sir, as one of that school who have been educated to believe that an ample and sufficient balance in the Exchequer is an important feature of finance and necessary to the public security, I feel it my duty to express to the Committee my belief that the present state of our balances is not satisfactory, and may lead to danger and embarrassment. The Committee, I am sure, will feel on reflection that this is not a matter of indifference, even in ordinary times; but in times of exigency, when the country may be called on suddenly to make unforeseen exertions, I do hold it to be most unsound that we should encourage the idea that the Minister of Finance should live from hand to mouth, and meet the engagements of the country by stretching a credit which at all times should be treated with delicacy and reserve.

Now, Sir, when the late Government quitted office, or immediately after that period, on the 3rd January, 1853, the balances in the Exchequer were nearly 9,000,000*l.* One year afterwards, in January, 1854—exactly one year after we left office—the balances in the Exchequer were reduced one-half. Now, Sir, the right hon. Gentleman may say, "What of that? If I employ the public money for the advantage of the public, why should you criticise my conduct—why should you cavil at my policy?" Now, Sir, if the right hon. Gentleman can prove that he has conducted his affairs with necessary prudence—if he can show that he has employed the public money for the public benefit, the question falls, and perhaps the right hon. Gentleman may obtain a verdict in his favour, even from those who, abstractedly, are in favour of large balances. But I want to test the question, and, in order to do this, I want to know what are the balances at the present moment, and what are the engagements which the right hon. Gentleman has to meet at the end of the financial year—on the 5th of April next, just one month from the present time. Now, Sir, I think that is testing the question fairly for the right hon. Gentleman. Now, Sir, I can, of course, only estimate the balances in the Exchequer at the present moment by referring to the return of those balances at the parallel period of the preceding year. And, referring to the parallel period of the preceding year, there ought to be in the Exchequer something like 10,000,000*l.* sterling—I mean, of course, on the 5th of April next. I anticipate, however, that the actual balance in the Exchequer on that day will be about 3,000,000*l.* sterling. I do not myself see any reason to believe that the balances of the Exchequer on the 5th of April can be more than 3,000,000*l.* Now, what are the liabilities of the right hon. Gentleman the Chancellor of the Exchequer about that period? He has, first of all, to provide for the payment of the dividends upon the public debt. I cannot precisely give you their amount, but I should say that it certainly cannot be less than 6,500,000*l.*—it may be 7,000,000*l.*, I will take it, however, at 6,500,000*l.* The right hon. Gentleman has, at the same time, to complete his conversion scheme—or rather to meet the consequences of a conversion scheme which did not succeed, to the amount of 2,000,000*l.* more—making altogether 8,500,000*l.*; and he has, of course, many demands upon him of an increased amount for the service of the country, which he will have to meet. He must have, I should think, upon a moderate estimate, something like between 9,000,000*l.* and 10,000,000*l.*, which he may probably have to meet on or about the 5th of April. Now, he has to meet that with a sum of 3,000,000*l.* Well, then, I want to know how he means to carry on the business of the country. The right hon. Gentleman will say, probably, "What is the use of having large balances? I can borrow money; I can take an amount on deficiency bills that will be sufficient to carry me on." The right hon. Gentleman, in the quarter which is now expiring—the quarter from January to April—as will be seen by a paper on the table which I moved for—has only been able to carry on his affairs by means of deficiency bills to the amount of 4,000,000*l.* sterling. The right hon. Gentleman may tell you that 4,000,000*l.* sterling, according to his views, is not an immoderate amount, and that it is better to carry on the business of the Government with deficiency bills to that extent, than to amass the public treasure in the Exchequer. The right hon. Gentleman says that the deficiency bills of which Sir Robert Peel complained were a great deal more than that—that they amounted to 6,000,000*l.* or 8,000,000*l.* Well, be it so; but will the deficiency bills which the right hon. Gentleman will find necessary in the coming quarter—will they be less than 6,000,000*l.*? And is the Committee of opinion that at any time the Chancellor of the Exchequer should have deficiency bills to the amount of 6,000,000*l.*? Especially is the Committee of opinion that the finances of the country should be conducted in such a way at such a moment, when the Chancellor of the Exchequer himself comes down and tells you that it is impossible for him to form an estimate because this is an extraordinary time, and extraordinary demands will be made upon you?

Now, Sir, I say it would be of very great importance, at this moment, that there should be an ample, and more than an ample balance in the Exchequer. But instead of it being a question between a proper balance and an improper balance—between that which is ample and that which is excessive—it is now a question whether you will have a balance or a large deficiency. And in fact you have at this moment—looking forward to the completion of the financial year—instead of having any balance at all in your Exchequer, you have an enormous deficiency. Well, now, Sir, is that a state of affairs which is desirable? Is it desirable at any time? Above all things, is it desirable in a state of war? These are questions which cannot be evaded. You may to-night say, "We have nothing to divide about; and, therefore, we will let the Resolutions pass." But you may rely upon it—and especially if these events occur on which we now count—you will find this weakness of your finances perpetually betraying you—perpetually destroying all the fine combinations of the Chancellor of the Exchequer. Let the Committee inquire how this has come to pass. You had recently an ample balance in your Exchequer. In a time of peace—in a time of low prices and of commercial prosperity, you had an ample balance. Now we are on the eve, I will not say of disaster and distress, but of those contingencies which portend disaster and distress—where is that balance now? Where is the balance which you prepared for yourselves in times of prosperity and peace? Why is it not at your service at this moment? That is what I want to know. If from the natural course of events you had found yourselves in this position, and from the natural course of events had had this low state of your Exchequer, you might have said that, having, from circumstances which you could neither foresee nor provide for, difficulties and dangers to encounter, there was nothing to be done now but to bestir yourselves to face the danger, and to place yourselves in a better position. I could then have understood you. But you had that large balance—you had a fund which would have met the exigencies of the country in a moment of imperial danger like this; and that fund does not exist. Why does it not exist? Nothing has been said on that point in the financial statement which we have heard this evening. Now, Sir, that great balance has disappeared, because the right hon. Gentleman a year ago chose to take a course in monetary affairs which the circumstances of the times did not warrant, and which he followed in opposition to the best authorities who could possibly advise a man, even a man so gifted as the present Chancellor of the Exchequer. The right hon. Gentleman dealt with your resources in a manner which has ultimately deprived you of the command of this capital in two ways. His object was to reduce the rate of interest paid upon the public securities, funded and unfunded, and he began by dealing with and reducing the interest on Exchequer bills. I think it was about the 8th of February last year, that the right hon. Gentleman reduced the rate of interest on Exchequer bills to 1½ per cent. For six weeks before the right hon. Gentleman took that step, every indication which generally influences, and should have governed a gentleman in the position of the Chancellor of the Exchequer, had intimated that the value of money was rising. I will not refer to papers, because I wish not to weary the Committee, and I am sure that if I make any mistake in a figure, the right hon. Gentleman will correct me: I believe that the price of Consols at the time Lord Derby left office, was something like 101. That would be about the end of December. Parliament met again in February. Consols had been continually declining, and I think at that time they must have been 99½; perhaps even 2 per cent lower than they had been. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] I have the return here, if the right hon. Gentleman doubts my statement. At the time Lord Derby left office, Consols were 101⅛, and Exchequer bills were from 69*s.* to 72*s.* premium. When Parliament met, Consols had sunk from 101⅛ to 99¼, and the premium upon Exchequer bills from 69*s.* and 72*s.* to 55*s.* and 59*s.* Now I say, Sir, that these were very significant symptoms; and yet, notwithstanding these indications, the right hon. Gentleman commenced a campaign which was to be signalised by a vast reduction of the public debt of the country. Did he receive no warning from this House? Men whom we look upon as authorities in these matters rose and entreated the right hon. Gentleman to pause. The hon. Member for Westmoreland (Alderman Thompson)—whom I have unfortunately not seen among us this Session, and whose absence I deplore—he whom all sides respect for his commercial and financial knowledge, particularly addressed himself to the right hon. Gentleman, and told him that the moment was inopportune—that money was in active demand—and that it was at that time ½ per cent dearer than it had been five months before. The right hon. Gentleman, however, persisted in his plans, and carried them. I will not dwell upon the consequence at any length. The Committee will recollect that the interest on Exchequer bills, the prices of which I have just quoted to them, which at the commencement of the year were from 67*s.* to 70*s.* premium, and which, when Parliament met, had gradually declined, was reduced by the right hon. Gentleman to 1½ per cent—that on the 5th of May they were only at 2*s.* premium, that on the 26th of May they were at par, and that on the 26th of September they were at 10*s.* discount. The right hon. Gentleman in the interval had made his financial statement, and had estimated that by the reduction of interest on Exchequer bills he would have made, I think, an annual saving, in round numbers, of 65,000*l.* It appears by one of the returns for which I recently moved, and which are now lying on the table, that the loss by that reduction of interest is something like 36,000*l.*, making on the whole, as far as the financial statement of the right hon. Gentleman is concerned, a difference of 100,000*l.* Now, that is a brief account of the dealing of the right hon. Gentleman with Exchequer bills, so far as the reduction of interest is concerned.

But the right hon. Gentleman followed this reduction of interest upon Exchequer bills by a much larger enterprise, one which he announced to the House as the herald of other measures, which would, or might ultimately, greatly affect the interest of the whole national debt. I allude to the plan of the right hon. Gentleman for converting what he styled certain "patriarchal" stocks. Now, it is of great importance that the Committee should recollect that it is by this plan of conversion that the country was mainly deprived of that balance in the Exchequer, which nothing that I have heard to-night convinces me would not be a great benefit to the country. Well, Sir, were warnings wanting to the right hon. Gentleman on that occasion? He advanced, be it remembered, with only the smaller part of his great scheme; and what was that? It was to convert a number of small stocks, amounting in the aggregate, in round figures, to very little short of 10,000,000*l.* sterling. I shall say nothing of the scheme by which the conversion of these stocks was to be carried into effect. It consisted of three plans, all of which were diametrically opposed to each other. One of these plans was founded upon the principle that the amount of the public debt should be diminished; the second, upon the principle that the amount of that debt should be increased; and by the third, in the case of the Exchequer bonds, I believe, if Parliament had not interfered, the increase on the unfunded debt might have been almost illimitable. Yet the right hon. Gentleman brought forward his plan with a confidence in its merits and its success which conviction only could have imparted; for he even promised that when the time for conversion arrived, means should be taken to prevent the evil consequences of the sudden rush of the applicants which was anticipated upon that occasion. Well, I say, was the right hon. Gentleman without warning, upon that occasion, of the evil consequences of the injudicious course which he was pursuing? I will not quote words that might have fallen from myself, or of any Gentleman on these benches, which might probably be depreciated, as the words of an opponent—although even the words of an opponent may sometimes be listened to with profit—but I will refer to the language of a Gentleman who stands deservedly among the highest authorities in this House upon monetary and commercial affairs, and whom both sides agree in looking on as one of the most valuable Members of this assembly—I allude to the hon. Member for Huntingdon (Mr. T. Baring). That hon. Member took a very active part in opposing the propositions of the Chancellor of the Exchequer, and upon the 22nd of April stated his opinion to the House as follows:—

"He (Mr. Baring) did not feel sure that that latter operation was not a hazardous one; and he could not help thinking that the right hon. Gentleman might in the month of June find it very difficult to maintain that low rate of interest on his Exchequer bills. He need not remind the right hon. Gentleman that, if his present proposal should not prove to be successful, it would be much better it had never been made; for it would then have the effect of needlessly unsettling men's minds, and giving a stimulus to all kinds of schemes which no one could regret more than the right hon. Gentleman himself."—[3 *Hansard*, cxxvi. 335.]

These were the warning words that came from a Gentleman of great authority, and, certainly, however firm in his political opinions, one whose advice is never influenced by the acerbity of party feeling. Well, Sir, this Bill for the conversion of these "patriarchal stocks" was read a third time in this House on the 27th of April, after an ineffectual, but on one occasion a vigorous, opposition. On the 3rd of May it was read a third time in the House of Peers, where it was also opposed by a great authority on finance, who had been a Chancellor of the Exchequer himself, and who certainly had no sympathy with the opinions professed on this side of the House—I mean Lord Monteagle. Well, Sir, I shall say nothing, or shall say very little, of the unbusiness-like way in which this Bill was drawn. The fact is that, although it was described by the leader of the House, whom I do not see in his place, as of such vital importance that he deprecated all criticism upon it, it was drawn and carried, I will not say with such indecent haste, but with such inconsiderate hurry, that after it had passed it was found there was a vital error, an omission in it. What was that? Why, it was found that in case any of the holders of the stock proposed to be converted dissented from the scheme of conversion, no machinery was provided by which those dissenting might be paid the amount of their capital, and the result was that, on the very eve of the prorogation, another Bill was introduced, to empower the Treasury to pay them off out of the Consolidated Fund. It was this Bill—passed at a morning sitting with perhaps only twenty Members present, and almost upon the last day of the Session—it was this Bill, thus introduced and carried through to remedy the omissions of what ought to have been a more mature measure—it was this rash, and hurried, and fatal piece of legislation that deprived you of your Exchequer balances—which has grievously bled the Consolidated Fund—which, in time of war, has left you to scramble through the first quarter of this year, with deficiency bills amounting to nearly 4,000,000*l.* sterling—and which, as far as I can form an opinion—and I only give my opinion in order to elicit information, for it is the interest of all men to elicit information in such matters—it will upon the 5th of April, with a balance of 3,000,000*l.*, leave the right hon. Gentleman to encounter demands amounting to nearly 10,000,000*l.* sterling, if not more. And all this in a time of war which, night after night, every Minister rises and prepares us to believe promises to be one of great severity and of longer duration than anticipated when the subject was first brought under our notice for discussion. Sir, it was said the other night, with regard to the diplomatic correspondence on the table, that it was no use criticising the past—that the country was in danger—and that, under these circumstances, whether mistakes had or had not been made, we must stand by those errors, if they were errors, and must pull altogether, only looking to the future. Sir, I am not making these observations for the sake of criticising the past. If they had had no reference to the future, I should not have uttered a word. I would not have trespassed on the time of the Committee. I moved for the returns which are now upon the table at the beginning of the Session, because I thought the information those returns would give upon a most important subject was information which this House ought to possess; and I might at a proper season, but not on such a night as this, have called attention to them, and have asked for some explanations. I only allude to the subject at this moment because I am persuaded that if you neglect the opportunity of this financial statement—if you sanction by your approval the course which has been pursued—if you do not interfere to prevent its being permanently adopted, you will even in the course of this year find yourselves in a position of considerable inconvenience, and even of great monetary embarrassment. Well then, I say, let the right hon. Gentleman come forward upon this second part of the financial question with the same frankness as he has done with respect to the first. He says that there will be a deficiency; the nation is about to enter into a war, and there must be increased expenditure; the Government must have means to carry on the war with vigour, and the House of Commons must be ready and prepared to support Ministers with ample resources to put the revenue into a healthy state. Would it not be better that the right hon. Gentleman should also ask us to put the Exchequer in a healthy state at the same time? Why does he not come forward and say, "I have attempted to reduce the interest upon the public debt; I have not succeeded as I intended; but who can deny that the object was a good one and worthy the attention of Parliament? Whether I have succeeded or not, it is one of the objects, certainly, which a Chancellor of the Exchequer ought always to have in contemplation. I have for the present been baffled by circumstances which I could not foresee. I grant even that I have omitted contingencies which others might have calculated beforehand. I appeal confidently to the generosity of the House as to my endeavour and its result. There will be a loss upon the winding up of these transactions. I have reduced the public debt by diminishing the balances in the Exchequer; replace the amount which has been so withdrawn, I do not ask you to increase it; and then I shall have the Exchequer, as well as the revenue, in a healthy state; and shall have those balances available which I think the public exigencies at a moment like the present demand. That is the course which I think the Chancellor of the Exchequer ought to pursue. I don't think the Chancellor of the Exchequer ought to have avoided putting fairly before the Committee the consequences of his unsuccessful schemes for the reduction of the interest upon the funded and unfunded debt of the country. I think it would have been better if he had with candour admitted that he had been disappointed in the results of his efforts, and had appealed to the House—and I am sure he would not have appealed to it in vain—to make good to the Exchequer the amount which has been withdrawn from it to the extent to which the public debt has been reduced. Who can doubt that he would have obtained the sanction of this House to such a proposition? The right hon. Gentleman will have upon the 5th of April next diminished the public debt to the amount of nearly 8,000,000*l.* sterling, and I think he is entitled to have that amount, or as much as he requires of it, restored. At a moment like this he should have asked us not only to vote taxes to put the revenue into a healthy state, but also to give such a vote as would put the Exchequer in a healthy state; for depend upon it whatever may be your balance of income over expenditure, however you may make a surplus upon paper, if your Exchequer is not right you will continually be in a position of embarrassment and difficulty. Now, the right hon. Gentleman must raise deficiency bills for the quarter from the 5th of April to the 5th of July. Now, I should like to know if the right hon. Gentleman has formed—but of course he has—an estimate of the amount of deficiency bills which will be necessary for carrying on the public service from April to July? Can he form any estimate of what will be required if any of those exigencies to which he has alluded, and which may occur from the country being in a state of war, should happen to occur within that time? It is impossible to guard against such exigencies. From month to month, from week to week, events may happen which may require, so to speak, a large balance at your banker's. These deficiency bills must be paid for. I have no doubt the right hon. Gentleman finds the Bank of England indulgent; but the indulgence of the Bank of England will be exhausted if he continues to keep a very small balance in their hands. They will not like to lend 5,000,000*l.* or 6,000,000*l.*, at less than the ordinary rate of interest, if you only leave with them a balance of not more than 1,000,000*l.* or 1,500,000*l.* The Bank of England sooner or later must charge you the market rate of interest, and I want to know what the market rate of interest is likely to be in the course of time. We are now involved in circumstances the result of which it is impossible for any human being to foresee. Suppose you have a long continental war, and a great drain of the precious metals; are you going then to sanction the attempt to carry on the service of the country by the systematic aid of deficiency bills, and not by real balances in the Exchequer? I can only say, that a great responsibility will devolve upon this House and upon the country if they should give their sanction and approbation to such a system as that. I shall not go into the question of the causes which induced the Chancellor of the Exchequer to enter upon the course he did with respect to his attempt to reduce the interest either upon Exchequer bills or upon funds. I shall reserve my right to consider his pleas, if any should be offered. My object now is to impress upon the Committee and upon the country the great importance of refusing their sanction to a system of conducting the finances of this country which I believe to be unsound, and which, if persevered in, must end in embarrassment and difficulty to the right hon. Gentleman himself. I guard myself by saying that I deny altogether the validity of any pleas which may be brought forward by the right hon. Gentleman, founded upon the state of the harvest, the accident of war, or any circumstances of that character. I will not now enter into any considerations of that kind. It would turn the discussion into a mere personal controversy in reference to the Minister, whereas I wish to keep it solely to this point—this business-like point—does the country, and does Parliament, approve of reducing the balances in the Exchequer to such a degree that the Chancellor of the Exchequer must systematically depend upon deficiency bills to a great amount for carrying on the business of the country? I mean by a great amount many millions—I mean 6,000,000*l.*, for that a sum of 4,000,000*l.* will be required is a fact which we already have in evidence. If the Committee of Ways and Means does not approve of that course, let them not censure the Chancellor of the Exchequer; but let them tell him to-night that, with the same willingness and the same unanimity with which they are prepared to support the imposition of new taxes, in order to have a sufficient revenue, they are prepared to replace those balances in the national Exchequer, which have been imperilled by, perhaps, his injudicious but certainly his well-meant scheme, and let them distinctly announce to him that it is the opinion of the Committee of Ways and Means that the Chancellor of the Exchequer should not habitually borrow money.

The CHANCELLOR OF THE EXCHEQUER: Sir, the right hon. Gentleman who has just sat down complains that upon some recent occasions liberty has been denied him to discuss the results of our past transactions. Now, I am sure, Sir, I have been no party to the denial of that opportunity. So far as I am concerned, the right hon. Gentleman is perfectly welcome to enter at any time into a discussion of all our transactions, past, present, and to come; and as he appears to have a peculiar fondness for the discussion of matters of finance, on which he is always interesting, I assure him he will always find me ready to engage with him in that interesting pursuit, so long as he is ready to return to the charge, and so long as the Committee will have patience enough to listen to us. The right hon. Gentleman has complained of me to-night of a want of frankness and openness; for he says, I did not state to the Committee the exact condition of the public balances. Now, I am in the recollection of the Committee as to whether I did or did not state the exact condition of the public balances in the Exchequer. I stated them distinctly. I distinctly stated that twelve months ago the public balances were high, and that now they were low; and, having stated that they were low, I went on to tell the Committee how the money had been disposed of. Such was the charge of the right hon. Gentleman. But I will not enter into any question of personal charges. I will rather go to the discussion of those transactions of the last year in our financial policy to which the right hon. Gentleman has thought proper to refer. The right hon. Gentleman says that, with great imprudence, I reduced, in the early part of last year, the rate of interest upon Exchequer bills; that I anticipated from the reduction a saving of 65,000*l.* a year; but that, instead of that amount of annual saving, the result of my proceedings has been a loss of 36,000*l.* during the year upon Exchequer bills. Such is the statement which the right hon. Gentleman has made. Well, Sir, it appears to me in the first place that, supposing I were to admit the facts of the right hon. Gentleman, which I am not quite content to do as he puts them, his charge would resolve itself into just this—that I unfortunately was not endowed with the gift of prophecy—that I did not know in the month of March what would be the state of trade—the state of the harvest—and the state of Europe in the following month of September. I am not gifted with the power of foretelling events, and the charge resolves itself into just this. The right hon. Gentleman, however, says that these things have had nothing to do with the matter. Nothing to do with the matter! These things nothing to do with the rate of interest upon Exchequer bills! They have everything to do with it; and if the right hon. Gentleman will investigate the papers on the table relative to the acts of the Government, let him also investigate some other papers to which he has, or might have, access, and ask himself what was the state of all these things between those two periods—the condition of trade, the state of the money market, the prospects of the harvest, and the position of Europe—at the beginning of last year and the later period to which he has referred. I think, Sir, if he enters upon this investigation he will not be long in discovering that these things have some effect upon the rate of interest upon Exchequer bills. What was the state of the bullion in the Bank of England in January, and what was its condition in September? What was the state of the public balances in January? What in October? What was the price of corn in January? What in October and November? What was the rate of discount in the market in the month of January? What in the month of September? What was the rate of discount charged by the Bank of England at the commencement of last year, I do not exactly remember—I am quoting from memory; but I believe I am correct in saying that it was 2½ per cent. [An hon. Member: 2 per cent.] Well, certainly it was not more than 2½. But what was it in September? Why, Sir, in September it had advanced to 5 per cent. Yet the right hon. Gentleman, forsooth, wishes to make me responsible for the increase in the rate of interest upon Exchequer bills. There are causes for it for which I cannot be accountable, though he did not think proper to prefer them.

Mr. DISRAELI: I mentioned some of those causes.

The CHANCELLOR of the EXCHEQUER: You made no allusion whatever to the rate of discount.

Mr. DISRAELI: I alluded to the fall in Consols.

The CHANCELLOR of the EXCHEQUER: To the fall in Consols! The right hon. Gentleman shall hear more upon that subject by-and-by; but I repeat that he made no reference whatever, in the whole of his speech, to the rate of discount charged by the Bank, but only to the state of the public balances kept in the Bank. He simply referred to the rise in the rate of interest upon Exchequer bills, and charged upon me the additional expense which was thereby entailed upon the country. So much for the right hon. Gentleman's candour. But, Sir, the right hon. Gentleman is not correct in his facts. I do not know where he got his figures from; but this I can tell him, that he is not correct in his facts. The right hon. Gentleman is not quite right in saying I said there was no loss at all in consequence of what I did with the rate of interest on Exchequer bills, nor does he give us altogether a true and correct representation of the causes of the decreased rate of premiums upon those Exchequer bills. After telling us what was the rate of premium upon Exchequer bills before the interest was reduced, instead of giving us the rate of premium upon them just after the interest was reduced, when it would have been a fair presumption that the reduction was operating, and that nothing else was operating, the right hon. Gentleman passes on to the month of May. But the reduction was announced in the middle of February. The right hon. Gentleman says that in February the premium was down to 2*s*. So it was. Other causes were then in operation. But my justification with regard to the reduction in the rate of interest is this—that no mere annual security ought to bear a high premium. It is an absurdity upon the face of it that a mere annual security which bears a premium of 45*s*., should be found at a premium of 60*s*.; for if the holder is paid off at par, at the end of the twelve months, he gets 15*s*. less than no interest at all. It also makes it impossible to attempt to redeem those Exchequer bills at a time when your balances in the Bank will best enable you; and for these, if there were no other reasons, I consider it wise, with respect to this portion of unfunded debt, to bring them to something like a reasonable premium. I am extremely sorry I did not bring with me an account which I had prepared of the prices of Exchequer bills after the reduction. I can, however, state the result generally. If I had the paper, I believe the right hon. Gentleman would find that for two months after the reduction the premium on Exchequer bills ranged between 10*s*. and 20*s*.; and I say it was impossible at that time to have had them in a better state. Then the right hon. Gentleman says there had been a loss of 36,000*l*. by my reduction of the interest to 1*d*. a day. Now what does the right hon. Gentleman mean by that statement? He means to make me responsible for the circumstances which rendered it necessary to reduce the interest, quite forgetting that these circumstances would throw some little light upon the subject. Certainly he refers to the case of France; but he quite forgets to mention that the Chancellor of the Exchequer there had gone through precisely the same process, and that, whereas they were formerly paying 1½ per cent only, they were now paying 3 per cent interest. But the right hon. Gentleman asserts that there has been a loss of 36,000*l*. in consequence of my reduction. I shall be glad if that statement can be explained. To me I confess it is a perfect mystery. I beg also to say that it is not only a mystery, but it is an error. The right hon. Gentleman, though he may not be aware of it, is completely in error. The reduction of the rate of interest upon Exchequer bills to 1*d*. per day, notwithstanding the unfavourable circumstances of the autumn, and notwithstanding the doubling of the interest which these unfavourable circumstances brought about, will have produced an actual saving in the interest on the bills in 1854 compared with those of 1853. In the years 1852-53 the interest was 367,000*l*.; but the interest on those which will be payable in 1853-54 will be only 347,000*l*. I therefore fling back the statement of the right hon. Gentleman as to there having been a loss such as he describes, and I tell him he is in error. I tell him that if there had been an increase, nothing could be more absurd than to charge it upon me; and that so far from there having been an increase there has been a decrease of 20,000*l*.

Then the right hon. Gentleman said the Chancellor of the Exchequer had operated upon much too large a scale, and that he had warnings of every kind from wise men on all sides of this House against the rash course he was taking; and the right hon. Gentleman, saying he was too modest to quote anything he had said himself, quoted the hon. Member for Westmoreland (Mr. Ald. Thompson). He also quoted the hon. Gentleman the Member for Huntingdon (Mr. T. Baring). Now, I am bound to give credit, and I do give every credit, to the judgment of the hon. Member for Huntingdon and to every other hon. Member when his judgment turns out to be right, as it did in this case. I am bound to say that the hon. Member for Huntingdon expressed from the first an opinion at variance with mine, and that his opinion turned out to be correct. The right hon. Gentleman spoke, however, as if I had acted contrary to the whole course of public opinion, both in and out of this House. But what were the facts? Why, the whole course of the criticisms of the right hon. Gentleman and his Friends at that time, were against the terms I was offering to the public creditor; they declared over and over again that they were too good for the public creditor, and against the interests of the public. ["Hear, hear!"] Was no such opinion expressed in this House? Why, whom do I see opposite; I see the *fidus Achates* of the right hon. Gentleman, the hon. and learned Member for East Suffolk (Sir F. Kelly), who recreated his powerful mind with all manner of facts and fancies as to the bargain I was proposing. Did he not enjoy the confidence and possess the sympathy of the right hon. Gentleman? Did he not fairly exhaust the English vocabulary, and drag out of it every epithet which its resources could furnish, in order to reprehend me for the extravagant, the monstrous, the lavish, the wasteful, the utterly incredible project of offering a guarantee of 2½ per cent for forty years. Do not, however, let me lay all the responsibility of the course then taken upon the shoulders of the hon. and learned Gentleman the Member for East Suffolk. To do him justice, I must say he never shrunk from his opinions, though I differed from him at the time; and the House will do me the justice to remember that I never held out any great expectation of immediate results. But what was done by the right hon. Gentleman himself? What did he say? Did he tell me that the scheme would fail, because the public creditor would not accept it? No, Sir! He says this was not a simple error of mine, but that it was an error in defiance of all advice and all warning given in the course of the discussion. And how does he make out that case? He says that in December the price of Consols was 101¼. This was when Lord Derby's Government went out. Consols, he says, went down directly afterwards 1½ per cent; and I thought it was great modesty on the part of the right hon. Gentleman that he did not attempt, at this period, to join together cause and effect, and to state at once that the fall took place because Lord Derby's Government were out. I am sorry, however, to say that this very plain statement of the right hon. Gentleman is susceptible of an easy explanation, to which I am under the necessity of begging his attention for a short time. His case was this—in the month of December the price of 100 Consols was 101¼; and in the month of February, when Parliament met, the price of Consols was 99 and a fraction; that consequently, was a decrease of full 1½ per cent. Now, did it never occur to the right hon. Gentleman to ask himself whether anything had happened in the meantime to account for that decrease? I am sure it ought to have done. He quotes the price of Consols at the end of December at 101¼;

but what happened on the 5th of January to the holders of Consols? Why, upon the 5th of January they received 1*l.* 10*s.*, the half-yearly interest, the precise amount, or nearly so, by which the price had fallen. There was, however, a great deal of discussion in this House about the probability of the permanent lowness of the rate of interest. I need not remind the Committee, because the Committee must well remember them, of the positive opinions on this subject of the hon. and learned Member for East Suffolk. I was never bold enough to give any opinion upon that subject. When I brought forward my proposal I did not venture to found it upon anything so unstable as any opinions of my own as to the permanent rate of interest. I have never been bold enough to give any opinion upon that subject, and I founded it upon the fact that there appeared to be a state of public feeling which would secure such an amount of agreement upon the plan as would make the experiment worth trying. Any Gentleman who will read the statement I made at the time will find that that is their scope and strain. But the right hon. Gentleman who now comes forward to show up my weakness and frailties, has he never dealt with this subject of the permanent lowness of the rate of interest? Yes, Sir, he dealt with it in the month of December, 1852. In that month of December he spoke of increasing and confirming the credit of this country in consequence of the discovery of gold. He said:—

> "But, Sir, although the rate of profit depends upon the rate of wages, that is not the only element in this great question. There is another element still more important in its solution, and that is the rate of interest. * * * I maintain that it has not only given activity to commerce, but that it has influenced the commercial operations of this country to an extent which no other article could have exercised. I say that the discovery of gold, considering the currency which we possess, has established credit in this country in a manner which no political economist could ever have imagined. I say that it has increased and confirmed credit in this country, and that that increase and confirmation of credit has, of course, proportionably increased the employment of the people. It would seem to be mere blind and obstinate prejudice to shut our eyes to that conclusion. But there is another question to be considered in regard to our prosperity at this moment, and that is, will the present low rate of interest last? I hope it will. My opinion is—though it is, perhaps, imprudent in me now to volunteer it—my opinion is, that whatever imprudences may occur—and I need not say that I deprecate them, but, notwithstanding some imprudences—the present rate of interest will mainly continue."—[3 *Hansard*, cxxiii. 878.]

The Chancellor of the Exchequer

Such were the vaticinations of the right hon. Gentleman in December, 1852—of him who reproaches me in this House to-night, for not having foreseen what would happen six or eight months before it occurred, and for not thinking the state of politics anything; and what will be thought of him who, considering me responsible for reducing the rate of interest, prophesied himself that the then low rate of interest was to be "mainly permanent." That was before the fall of 1½ per cent in Consols. But, Sir, I am now about to quote some language used by the right hon. Gentleman at another time, in the midst of the very discussions on this particular Bill of mine for the conversion of stock, finding fault with me—for what? Not for disturbing the money market with experiments which must prove abortive, not for proposing a scheme calculated to meet the difficulty of the case in my view, though he might not agree with me; but still, upon the old doctrine that the rate of interest was too high. What was the speech of the right hon. Gentleman? He gave a long display of all the magnificent reductions in the interest of the national debt, from Walpole downwards, and said that all our reductions amounted only to the contemptible sum of some 600,000*l.*, upon 500,000,000*l.* of debt. This was the argument of the right hon. Gentleman; but it went upon the doctrine—the very opposite and contradictory doctrine to that which he has broached to-night—the doctrine that the terms offered were both extravagant to the public creditor and unjust to the nation. He said:—

> "If the Committee agreed to the conversion of the whole 500,000,000*l.*, under the second Resolution, he must remind the Committee that the profit to the country would but little exceed 550,000*l.* a year; and they should well consider whether, for such an object as reducing the interest of the debt by 500,000*l.* sterling, they would do right to fix the rate of interest at 2½ per cent for more than forty years."—[3 *Hansard*, cxxv. 874.]

It was too bad a bargain for the public to fix the rate of interest at 2½ per cent and given them a guarantee of forty years. That was the opinion of the right hon. Gentleman—that is his opinion still. Very well; if it is so, let us know how the matter stands. If he holds to that opinion, let him enjoy it; but if he thinks that 2½ per cent was too high a rate of interest, with the guarantee of forty years, do not let him now find fault with me for having done wrong to the stockholder by offering those terms. This statement was made on the 8th of April, long after the fall in Consols. The right hon. Gentleman says, the Bill for the conversion of stock was passed in such breathless haste, that a great error was committed in it—that it was found the parties could not get their money, and that the new Bill was pushed through with only twenty Members in this House. The right hon. Gentleman surely has been indulging to a great extent in the powerful faculty of his imagination. He may be right; it is not for me to dispute what he asserts so confidently; but all I can say is, that the whole of that strange assertion is entirely new to me. I am not aware that, in consequence of the haste with which the Bill was passed, an error was committed, which rendered another Bill necessary, in order that the stockholders might be enabled to receive their money. That was no such thing. The amended Bill, to which the right hon. Gentleman refers, was a Bill for an entirely different purpose. It was introduced to meet the case of a particular set of persons who were holders of portions of South Sea Stock, with regard to whom it was found that their peculiar case did not come within the provisions of the former Act, so as to give them an option. It appears, therefore, that the right hon. Gentleman has reckoned entirely without his host, and that he has been under some species of hallucination when he has made statements to the Committee in relation to what has actually taken place. The right hon. Gentleman has said, that it was my duty to state openly and frankly to the Committee that I had not succeeded in effecting the objects which I had in view; and he accuses me of not having spoken with sufficient openness on the subject. Now, I am in the recollection of the Committee, and, if I mistake not, I characterised my scheme as abortive. The right hon. Gentleman said, "Why not make a full confession?" Well, Sir, I have made a full confession. I told the House so at the close of the last Session. My conscience, therefore, is clear as to this charge of the right hon. Gentleman. But, upon the other hand, I tell the Committee that so far from there being a loss upon other parts of the plan, when the transactions are wound up there will be a profit; but though it is impossible to state with precise and rigid accuracy the profit and loss upon the transactions, I have the means of stating that the profit will be about 132,000*l.* a year. No doubt that is a very contemptible sum in the estimation of the right hon. Gentleman, who thinks 600,000*l.* upon 500,000,000*l.* of debt not a sufficient saving to induce the Chancellor of the Exchequer to give a guarantee of forty years. I do not pretend to put myself upon a par with the right hon. Gentleman, but I do humbly venture to think that it is better to have a profit of 132,000*l.* a year than none at all.

Then we come to the state of the public balances. Here so many fancies spring up in the mind and brain of the right hon. Gentleman, that it must be perfectly extraordinary to see one so possessed with bugbears and delusions. The right hon. Gentleman has got it into his head that the public credit is in an unsound state; he is not satisfied with the price of the three per cents being at 91 in a time of war—a state of public credit unexampled and unparalleled in history. The right hon. Gentleman has laid great stress upon the amount actually in the Exchequer, and has recommended that you should borrow 8,000,000*l.* It was a marvel to me and to some Gentlemen near me, what the right hon. Gentleman would do. He was to vindicate the liberty of debate, and he left out of consideration the reasons which had operated upon me in the production of my plans; and by and by he recommends to me a loan of 8,000,000*l.* of money. I admit that if I had accepted the proposal of the right hon. Gentleman I should have had a loss upon my transactions. But, let me ask, for what purpose is it necessary to have this loan? We do not want it. Nobody wants it. The Bank do not want it, and there is no pressure on the money market. At the same time, I am bound to add, that I do not understand the arithmetical calculation upon which the right hon. Gentleman recommends us to take this loan of 8,000,000*l.* He estimates the anticipated balances on 5th of April at 3,000,000*l.* I have the misfortune to differ from him here, for I estimate them at 4,000,000*l.* He estimates the demand upon the Bank at 10,000,000*l.* Here again it is my misfortune to differ from the right hon. Gentleman, for I estimate it at less. And he is still more wrong in another point, either in his addition or subtraction, whichever it may be, for if the right hon. Gentleman's calculations were correct—that the balances amounted to 3,000,000*l.*, and the demand in the Exchequer to 10,000,000*l.*—I should have thought that a loan of 7,000,000*l.*, if any loan were necessary, would have met the exigencies of the case. But let that pass. The real question is this—Are the public balances in such a state as to be in the slightest degree injurious to the credit of the country? I say they are not. The right hon. Gentleman asks what will be the amount of the deficiency bills for which we shall have to draw upon the Bank in the course of the month of April? Only to-day I made a memorandum upon this subject; but, anticipating that the question would turn upon the financial measures of the year rather than have assumed a retrospective character, I left it behind. But I am very near the mark when I say that the demand for deficiency bills upon the Bank during the next quarter, to be chargeable to the public revenue, will be from 4,000,000*l.* to 4,500,000*l*; and I have not the slightest reason to suppose that the accommodation will be anything but convenient to the Bank. If, however, it should not be convenient to the Bank, the power which I shall ask from the House of Commons, to issue a certain amount of Exchequer bills, keeping within the margin of the unfunded debt as it stood last year, will enable me to reduce the amount of the demand. This is the simple state of things. If you ask me whether 4,500,000*l.* of deficiency bills is an amount which the Government ought to be taking from the Bank, quarter after quarter, I say "No." I think it is too much. But if, on the other hand, you ask me whether it is an amount which, if taken only at a particular period, will give the slightest shake to public credit, I answer, unhesitatingly, "No." When I listened to the winding up of the right hon. Gentleman's outpouring, to the close of all this "sound and fury," I found there was nothing left, because he stated the question to be really this—whether it is safe and right, in circumstances of emergency, or in any circumstances whatever, for a Government to be under the necessity of making permanently a really large demand for advances upon the Bank. I understand him to say that by these large advances he means 6,000,000*l.* There is no such demand going to be made. The demand that is to be made is a demand that can be reduced according to the convenience of the Bank; and the right hon. Gentleman ought to know that leaving the deficiency bills within a limit is an operation by no means disadvantageous or disagreeable to the Bank. It is an operation which the Bank, as a banking corporation, considers to fall within its banking business. The right hon. Gentleman, however, seems to be labouring under considerable confusion in another respect, for he says, "You go on asking for deficiency bills at a rate that must raise the rate of interest on money." He seems to think we are about to ask for less than is worth while—[Mr. DISRAELI: Less profitable.] The Bank do not think it a bad transaction; and I hope and believe there is no Government which would go to the Bank and ask for money upon deficiency bills at less than their fair market value. The right hon. Gentleman will recollect that these bills are the subject of loans, at rates that are alike on no two days. They run out gradually day by day, and run in again day by day; and the transaction suits the convenience of the Bank. Bill-brokers will be found to lend money, for short periods, at 1 or 1½ per cent. Why? Because there is a convenience to all parties. These loans are the brokers' deficiency bills; and this is precisely the basis of the transaction between the Government and the Bank. I do not think that it is necessary for me to trespass any longer upon the time of the Committee; but I hope that I have shown that the transactions which have been the subject of discussion were not the rash transactions the right hon. Gentleman described them to be. Instead of a loss to the country, I hope I have shown that there has been a positive gain. I have, I trust, shown, that the scheme was not hurried too hastily through the House, or in opposition to repeated warning, and that the opposition to the measure was based on entirely contradictory considerations. One hon. Gentleman opposed it has being a hardship to the stockholder, while others thought that the public creditor would not accept the terms proposed. With regard to the condition of the public balances, and the suggestion of the right hon. Gentleman to raise a loan of 8,000,000*l.*, the effect would be to saddle posterity with an unnecessary burden. I can assure the right hon. Gentleman that the public balances will take very good care of themselves, and a very few weeks will show whether the opinion of the right hon. Gentleman or whether my own is correct. There are, however, certain to be many opportunities which the right hon. Gentleman will have of reviving a discussion upon this subject, and I can assure him that whenever he shall think fit to do so I shall be always ready and willing to meet him.

Mr. DISRAELI: Sir, the right hon. Gentleman, in the conclusion of his observations, has just touched upon what is the real question. The right hon. Gentleman says that the state of the public balances is satisfactory, and if he can prove that, there is no use in talking any longer upon the subject; but I believe that the state of the public balances is most unsatisfactory. I believe that the present is not a proper state for the balances in the Exchequer to be in when we are embarking in war, and when the Chancellor of the Exchequer, according to his own statement, requires 4,500,000*l.* of deficiency bills. The real point is this—do the Committee of Ways and Means think, in the present state of the country, embarked as we are in what may be a protracted and expensive war, that the balances in the Exchequer ought to be in such a state that habitually the Finance Minister should be obliged to have recourse to deficiency bills to the extent of 4,500,000*l.* for the quarter? This is the real point. The right hon. Gentleman says I have not taken into consideration the various circumstances which led to the failure of his plan. I did take them into consideration; but the right hon. Gentleman entirely misapprehended what I said. I said I objected to his pursuing his plan at a time when the price of funds was falling and the Bank was raising its rate of interest. I complained that he was lowering the rate of interest upon public securities when the Bank was raising its rate of interest on private securities. The right hon. Gentleman says that my estimated calculation of the balances in the Exchequer, and of the amount which will be required to meet the demands of the quarter, is incorrect. Well, Sir, the 5th of April is not very distant, and we will leave the decision as to who is right, until that day. There is another point upon which the right hon. Gentleman dwelt, and that is, with reference to the Bill brought in to extricate the Government from the mistake they had made. Upon that point, too, I reiterate my statement which the right hon. Gentleman did not in fact impugn. He may divert for a moment the attention of the Committee from an important question by lively criticisms upon isolated topics, but this subject of the state of the Exchequer is one which must constantly occur and recur, and even in the present Session proposals will be made in consequence of the state of the balances. I repeat it, that the present is not a proper state for our Exchequer to be in, especially in a time of war; it is not proper that the Chancellor of the Exchequer, in such a time, should be habitually carrying on public business by deficiency bills to the amount of 4,500,000*l.* That is the real point before the Committee. The right hon. Gentleman certainly misunderstood me when he said I proposed a loan of 8,000,000*l.* What I said was that the right hon. Gentleman appeared to have paid 8,000,000*l.* out of the Exchequer, and I expressed my opinion that the Committee would be perfectly willing to give him every assistance he could wish within that limit in order to enable him to carry on the business of the country upon real balances in the Exchequer, and not by habitually borrowing money from the Bank of England. The right hon. Gentleman says he has no difficulty in borrowing money from the Bank. All I can say is, that, if he can borrow money on these terms, with the slight balances which he keeps there, it must be a source of great satisfaction to him; and if the Bank would carry us through the war on that system, it will be much less expensive than was anticipated. The right hon. Gentleman also finds fault with my estimate of the loss occasioned by his dealings in Exchequer bills. All I can say is, that I took that loss from his own return. I find there, under the head of reduction these items, first, 37,970*l.* 15*s.* 10*d.*, then another item of 7,605*l.* 19*s.* 7*d.*, and a small item which has to be added in of 5*l.* 3*s.* 4*d.*, which makes in all a reduction in the interest of Exchequer bills amounting to 45,581*l.* 18*s.* 9*d.* Then on the other side there is an increase in the interest, first, of 67,524*l.* 5*s.* 10*d.*, and then of 14,955*l.* 15*s.*, which, in all, makes an increase of 82,480*l.* 0*s.* 10*d.* Then I deduct from this loss of 82,480*l.* 0*s.* 10*d.* the gain of 45,581*l.* 18*s.* 9*d.*, which gives a balance of 36,898*l.* 2*s.* 1*d.* of loss; and yet the right hon. Gentleman has returned three times to the charge upon this authority.

The CHANCELLOR of the EXCHEQUER: Sir, I rise merely to put the right hon. Gentleman right as to a matter of fact; to his general observations I shall not now reply. The right hon. Gentleman says that I was wrong in stating that there was a saving of 20,000*l.*, and he quotes my own return to show that, on the contrary, there was a loss of 36,000*l.* I am sorry to say there was certainly an error in my stating that there was a saving of 20,000*l.*; but the error was that I understated that saving. I take this, Sir, from the printed paper before me; and here, again, Sir, I am sorry the right hon. Gentleman and I do not agree in our ideas of addition. I have not added it up myself, but I have had it added up, and I find that the column of increase amounts to 82,480*l.*, while the column of reduction amounts to 120,000*l.*

MR. DISRAELI: What is your first item in the column?

THE CHANCELLOR OF THE EXCHEQUER: 35,030*l.*

MR DISRAELI: Ah! that is the reduction which I made while I was in office, when I lowered the interest from 1½*d.* to 1¼*d.*; you are surely not entitled to that.

THE CHANCELLOR OF THE EXCHEQUER: I do not know, Sir, what the right hon. Gentleman means. What I state is simply this, that the right hon. Gentleman is mistaken in saying that there was a loss of 36,000*l.* upon the Exchequer bill transaction in 1853. And the plain statement I make is, that the whole charge which will have to be paid by the country during 1854, in respect to Exchequer bills, is less either by 20,000*l.*, or by a larger sum than 20,000*l.*, than the whole charge that was paid by the country on that account in the year 1853. Now, I hope that is explicit—the right hon. Gentleman hears it; it is in his power to scrutinise it, and, if it is true, I trust he will admit that he has been wrong in charging me with creating a loss.

MR. DISRAELI: Sir, in justice to myself, I must repeat to the Committee what I stated just now across the table to the right hon. Gentleman. The right hon. Gentleman has quoted the figures, for his justification, from a return obtained by me, entitled:—

> "A Statement of the several alterations made since the 1st of January, 1852, in the rate of interest of Exchequer bills, specifying the nature of such alteration, and the amount of the reduction or increase of interest, with the date thereof."

And I, according to the right hon. Gentleman, having accused him of pursuing a certain course with respect to these Exchequer bills—that of reducing the interest on them, by which a considerable loss was incurred—the right hon. Gentleman, upon that, challenges the accuracy of my figures, and sums up a column of reductions, which, he says, amounts to 120,000*l.* Now, the first item of these reductions is one of 35,000*l.* on a sum of 9,238,700*l.* of Exchequer bills, part of a larger sum of 17,742,800*l.*, the interest of which was, on the 10th of June, 1852, reduced from 1½*d.* to 1¼*d.*, by which step this saving of 35,000*l.* was produced. Now, Sir, as I happened then to hold the office which the right hon. Gentleman now so worthily fills, I certainly did not consider that the right hon. Gentleman was entitled to take to himself the saving thus effected, and to make use of it in diminution of the loss which he himself has caused.

THE CHANCELLOR OF THE EXCHEQUER: I can assure the right hon. Gentleman that the case shall be treated simply upon the merits of the alterations proposed under my sanction, and that no attempt shall be made to deprive him of the credit which is justly his due.

MR. G. A. HAMILTON said, the statement made by the right hon. Chancellor of the Exchequer, to the effect that his second Bill of last Session was not rendered necessary by reason of any omission in the first, was incorrect. The right hon. Gentleman would find, on referring to the 8th and 9th clauses of the second Bill, that they related to two most important points which were overlooked in the first Bill.

THE CHANCELLOR OF THE EXCHEQUER said, the clauses in the second Bill, referred to by the hon. Gentleman, were introduced without his consent, and against the opinion of the law officers of the Crown, who thought they were unnecessary.

SIR FITZROY KELLY said, he would not at that hour enter upon the numerous and very important points which had been dealt with in the speech of the right hon. Gentleman the Chancellor of the Exchequer that evening. He should have been glad to have postponed until another time all discussion upon the important measure of last Session relative to South Sea Stock, but the right hon. Gentleman had thought fit to allude to what had fallen from him in the debates on the subject during the last Session. Before he adverted to the comparatively unimportant consideration of whether he was right or wrong in the view he took, he would call the attention of the Committee to the measure itself, and the view the right hon. Gentleman himself took of it; his views as to its probable consequences, and by which the public were induced to act upon t, when it became the law of the land—he should be glad to know from the right hon. Gentleman distinctly whether the State was a gainer or loser, and if so, to what amount in the transaction he referred to? The effect of the measure was to pay off and discharge a sum amounting to about 8,000,000*l.* of South Sea Stock. He wished to ask at what cost to the public that was paid off, inasmuch as the holders of stock, to the amount of 8,000,000*l.* sterling, required to be paid off at par, 100*l.* sterling for every 100*l.* stock. As that sum of 8,000,000*l.* was now partly paid off, and would be completely paid off in April next, and as the payment was made at a time when stock was worth from 90*l.* to 92*l.* only, it was evident that there was a clear loss to the State of between 700,000*l.* and 800,000*l.* sterling. When the right hon. Gentleman next addressed the House, he hoped he would be good enough to state the price of stock when the payment was made in January last, and the price it was likely to be in April next. He was satisfied the right hon. Gentleman would find that there would be a loss of at least eight or ten per cent, the Government and the public being, as he had just stated, the worse by some 700,000*l.* or 800,000*l.* He admitted that the right hon. Gentleman did not anticipate that in twelve months the public funds would fall eight or ten per cent. It would be as well, however, when he assumed that tone of confidence which he sometimes addressed to that side of the House, if he had on that occasion listened to the warning, not of so humble an individual as himself, but of his hon. Friend the Member for Huntingdon (Mr. T. Baring), the right hon. Gentleman the Member for Portsmouth (Sir F. Baring), and others who differed from him. He could not but think that, if the right hon. Gentleman had listened to those warnings, and had stayed his hand, the country would have been in a better position, for thus far the speculations of the right hon. Gentleman had been one of unmitigated loss. He came now to the more important matter—the creation of new stock, substituted for the South Sea Stock about to be discharged; and here, indeed, he could compliment the right hon. Gentleman with the saving, although not what he had anticipated. Really, when the right hon. Gentleman talked of prophecies as to the future condition of the money market, he hoped he was not acting unfairly in reminding the right hon. Gentleman that he had calculated on saving to the State at least 100,000*l.* a year in the interest of the public debt. The result of the measure of the right hon. Gentleman, by which such unfortunate persons as relied on his representations accepted one or other of his three equivalents for their stock, was this—that none of the equivalent stocks came into the market at all, except where holders were compelled by severe necessity to convert stock into money, and that then the prices were 75*l.*, 80*l.*, and 82*l.*; so that every holder of the "equivalent" stocks lost 18*l.*, 20*l.*, or 25*l.* per cent on every 100*l.* And as to the saving to the Government effected by the measure, it amounted to this—the interest on 3,000,000*l.* stock was reduced from 90,000*l.* to 75,000*l.*, the difference between three per cent and two and a-half per cent, and the saving would be just 15,000*l.* a year. Such were the measures against which he (Sir F. Kelly) and his Friends had vainly struggled last Session. By one measure the Government had lost 800,000*l.*, and by the other saved 15,000*l.*, at the sacrifice, in many instances, of the whole fortunes of those who had relied on their financial scheme. The right hon. Gentleman had referred to some opinions of his, expressed last Session, but had shown neither candour nor accuracy. The question had been as to the creation of the three new kinds of stock, and he (Sir F. Kelly) had argued that their value could not be predicated until experience had tested it, and that it was impracticable to attempt to settle it for forty years to come; and he had also said that if the three-and-a-half per cent stock guaranteed for forty years was an equivalent to 100*l.* at par, then the two-and-a-half per cent stock was far beyond the equivalent value, and was an improvident bargain for the public. And in order to show the impracticability of settling the value of these stocks for forty years to come, he had referred to the history of finance for forty years past, and in that view only had he alluded to the rate of interest. His only object in the observations which he had made on this or any former occasion on the subject, was, that these transactions between the State and the public should be such as to secure to the Government that confidence which he believed had been shaken, if not subverted, by the measures of the right hon. Gentleman.

Mr. HILDYARD said, he hoped the

Government would give the country an assurance that they would avoid the errors committed by the Governments who had the management of the last war—that of engaging to grant subsidies to foreign Powers. He was under no apprehension that any of their present allies would accept a farthing in the shape of subsidy, but there were other allies whose financial state unhappily was not in the most favourable position. He hoped Her Majesty's Government would assure the Committee that under no circumstances would they subsidise Austria. Now, the state of Austrian finance was well known; and it would be satisfactory if the Government would intimate that under no circumstances whatever would they subsidise any European nation. There was one part of the observations of the Chancellor of the Exchequer of extreme importance. The right hon. Gentleman had said that the Bank of England was in a condition to assist him, and at the same time to take care of itself. No doubt the Bank could and would assist the Government if the condition of the balances in the Exchequer required it; but, if the Government drew largely on the Bank, its power of assisting private parties would be greatly crippled. An hon. Member (Mr. Glyn) had talked of the "restrictions" in the Act of 1844, which would have been a very irrelevant topic had there not been an apprehension that the assistance the Government might require from the Bank might bring into operation that restriction of its resources—that most injudicious measure. It would be most unfortunate if the result of the recourse had by the Government to the Bank should be to restrict its powers of giving to the commercial world such assistance as there was every probability might in future be required.

Mr. DRUMMOND said, he would just hint that, among all the "ways and means" to which the Government might look for the purpose of carrying on the war, that House would firmly set itself against that of which they had had some hints that night—somewhat ambiguous and dark, no doubt—but yet to those who looked backward to former times full of most dangerous promise. He referred to the allusions which had been made to a paper currency, to tampering with the currency as a means of creating new resources. Hon. Gentlemen might talk about it as they liked, but when they found hon. Members connected with banking interests

speaking about the extension of the currency and the tightness of the money market, they might depend upon it it meant nothing more than this, resorting to "the little shilling." Your paper currency was nothing more nor less than a fraud committed upon the public for the sake of the Government. It had been said that Russia had greatly increased its paper currency; all he hoped was that the example of Russia would not be followed by this country. Hon. Members were frequently in the habit of talking of journeymen and labourers being led away in consequence of not being sufficiently versed in political economy, and entering upon strikes for the purpose of raising the value of their labour, or sharing in the profits of the capitalists. If the appointment of a professor of political economy to that House were made, it would not, in his opinion, be altogether useless. Hon. Gentlemen alluded to the amount of money in circulation, as if it was really natural wealth, whereas they had yet to be made sensible of this, that the taxes which they had been voting to-night were nothing more than a transfer of a certain amount of corn, or beef, or mutton, from the pockets of the taxpayer into the coffers of the Chancellor of the Exchequer, and that money, be it plentiful or scarce, was nothing more than the agent by which that operation took place; and if money was scarce, the issue of a paper currency would not lighten the burdens of the people one iota, although it might enable the Government of the country to cheat the House of Commons and everybody else.

Colonel DUNNE said, the Chancellor of the Exchequer had stated that the Irish income tax would realise 480,000*l.*, but it was not shown how he had arrived at this result; and as much of the tax was, before the Act extending the tax to Ireland, paid on Irish income in this country upon which it was now to be paid in Ireland, he suspected that this was included in the calculations of the Government.

The CHANCELLOR of the EXCHEQUER said, that allowance had been made on account of it.

Resolution *agreed to.*

Resolved—

"That, towards making good the Supply granted to Her Majesty, the Commissioners of Her Majesty's Treasury shall be authorised to raise any sum of money, not exceeding 1,750,000*l.* sterling, by the issue of Exchequer Bills."

House resumed.

CHURCH BUILDING ACTS CONTINUANCE BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HADFIELD said, this Bill proposed to continue the Church Commissioners for ten years longer. The Commission began in 1818; 1,500,000*l.* was voted for church building, and the Commission had existed thirty-six years. He wished to know for what earthly purpose these Commissioners could be wanted for ten years more? He begged to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. WALPOLE said, he wished to call the attention of the Government to the confused and utterly unintelligible condition of these Acts. He hoped that, before Government asked the House to continue them for ten years, they would make an attempt to consolidate them into one Act. Without assenting to the proposition of the hon. Member (Mr. Hadfield) that the Bill should be read a second time that day six months, he trusted that the Government would seriously consider the propriety of consolidating the existing Acts.

MR. SIDNEY HERBERT said, he must admit that these Acts were in a very confused and unsatisfactory state. Attempts to consolidate them had frequently been made, and submitted to successive Home Secretaries, but so difficult was the task, that it had never been accomplished. In the meanwhile it was necessary to re-enact these Acts, as the Commissioners had a good deal of money to distribute that had been left in their hands.

MR. HENLEY said, the statement just made rendered the case irresistible that the Bill should be postponed. The right hon. Gentleman said the task of consolidation had been so difficult that consecutive Secretaries of State had given it up in despair. If that was so, the proper course would be to suspend the continuance of the Commission till the labour of consolidation could be effected.

MR. BOUVERIE said, that these Acts were in a state of almost inextricable confusion was not to be denied. So much was this the case that it was all but impossible to say what the law was, and the best thing that could be done would be to consolidate all the Acts into one Statute. He would therefore suggest that the Bill should be postponed till that day week or that day fortnight.

MR. FITZROY said, he thought there was very little chance indeed of these Acts being consolidated in a fortnight. There were no fewer than eighteen Acts of Parliament on this subject, and, though different attempts had been made to consolidate them, they had all failed. The Secretary to the Commission would not undertake the attempt at consolidation for any money that could be offered him. In the meantime the duties of the Commission had become of a permanent nature, especially with respect to the division of parishes, the assignment of new districts and the like, and, therefore, it was important that the Acts should be perpetuated for a certain time. Not less than four-fifths of their income were derived from individual subscriptions, and these subscriptions had been very useful in the completion and erection of churches. The number of churches built amounted to 538, while there were in the course of erection 95, making a total of 633; and there was a balance of 20,000*l.* in their hands. He hoped, therefore, the House would consent to read the Bill a second time.

MR. MUNTZ said, he thought the Bill should be postponed for the Session, to enable the Government to bring in a measure of consolidation.

MR. VERNON SMITH said, every succeeding speech in behalf of the Bill made it appear the more necessary not to read it a second time. The hon. Under Secretary for the Home Department told them that so inextricable was the confusion of these Bills that they could not be consolidated; and yet, in these circumstances, he asked them to reappoint this Commission for ten years. Let him propose some shorter time—say twelve months—and endeavour in the meantime to consolidate the law.

MR. DISRAELI: I would recommend that the law officers be permitted to try their hands at this Bill; and, in the meantime, that we should have the continuance for one year. I should like to see what they could make of it; and this seems to me to be the course which, upon the whole, we had better follow.

Mr. FITZROY said, he would postpone the Bill till Friday, when the noble Lord the Home Secretary would be present to state his views if the hon. Member for Sheffield (Mr. Hadfield) would withdraw his Motion.

Mr. WILSON PATTEN thought the proposition of the right hon. Gentleman (Mr. Disraeli) a very reasonable one—namely, that the Bill should be passed for one year only.

Question put—" That the word 'now' stand part of the Question."

The House *divided :*—Ayes 70 ; Noes 59 : Majority 11.

Main question put, and *agreed to.*

Mr. WALPOLE said, he would press on the Government, before the Bill was read a second time, to consider the question of consolidation. The feeling on his side of the House was that the Bill should be continued for a short time to allow of that consolidation taking place.

Mr. FITZROY said, the practical course would be to allow the Bill to be read a second time now, and to insert the words " one year" in Committee.

Bill read 2°.

VALUATION (IRELAND) BILL.

Order for Committee read ; House in Committee.

Clause 1 (Repeal of Acts).

Mr. J. O'CONNELL said, he objected to the Bill, on the ground that it would unnecessarily extend county burdens to the towns of Ireland, and he should move that the clause be omitted.

Sir JOHN YOUNG said, that two years ago a Valuation Act was passed, the object of which was to establish an uniform valuation of all tenements throughout Ireland, upon a fixed basis, for the purpose of all taxation. That Act exempted from the valuation houses under the value of *5l.*, and the consequence was that 15,000 proprietors of houses, who had not been exempted before, obtained exemption, and 3,000*l.* of the valuation was thrown upon the proprietors of the higher class of houses. The object of this clause was to abolish that exemption, which led persons to speculate in the building of small cottages, for which, in consequence of the exemption, the landlords got a higher rent than they could otherwise obtain. The object of this Bill was to establish an uniform valuation for all the taxes, and he hoped the clause would receive the assent of the Committee. He had no objection, however, to refer to the Committee appointed to consider the subject of the Grand Jury Laws the question whether the exemptions from grand jury cess should continue or not.

Mr. POTTER said, it was of great importance to encourage the building of houses in Ireland, and, as he believed this Bill would have a contrary effect, he should offer it all the opposition in his power.

Mr. F. SCULLY said, he objected to the clause, on the ground that it was unjust to impose a tax upon occupants of the lowest class of houses in the towns, who were now exempted from the poor rate, and who, he thought, should also be exempted from the county cess. He hoped the Government would reconsider the question, and would either omit this clause altogether, or require that the county cess, in the case of houses under the value of *5l.*, should be paid by the landlords by whom the poor rate was now paid.

Mr. LUCAS said, that the effect of the first clause of the present Bill was to remove an exemption, which the right hon. Gentleman the Secretary for Ireland had no objection to refer to a Committee; and if they pronounced an opinion hostile to the clause, then he would have to introduce some measure to get rid of that which he was to-night seeking to have enacted. He would therefore suggest that when the result of the Bill was matter of doubt, and when the Government had not made up their minds on the subject, it would be a satire on legislation to pass the Bill, under such circumstances, in its present form.

Mr. J. BALL said, that all acquainted with the subject of local taxation knew that that which was paramount to everything else was a consolidation of the local rates. To have a different system of exemptions in the different rates could not but be disadvantageous, and he considered, therefore, that agreeing to the second reading of the Bill, and allowing the Committee on the Grand Jury Laws to take it up from that point, and say whether the law required alteration, was a consistent and intelligent mode of dealing with the subject.

Mr. GROGAN said, he most thoroughly and cordially supported the Bill. It was one to which the Dublin corporation, after the most mature deliberation, gave its complete assent. The exemption, he contended, would only have the effect of re-leasing one class of houses from taxation, to impose additional taxation upon others.

MR. J. D. FITZGERALD said, he considered that the Bill, as a Valuation Bill, was an excellent one; but some of his hon. Friends had conceived—and he thought not without justice—that the effect of the Bill would be to repeal an existing law that exempted tenements under *5l.* from taxation. If this were so, then it ought to be declared, but if it were intended by implication to expose to taxation a large class who had hitherto been exempt, he should oppose the Bill.

SIR DENHAM NORREYS said, he concurred in the opinion that the Bill would, in an indirect manner, introduce a system of taxation on those who had hitherto been exempt. It would have the effect of throwing off a portion of the taxation from the rich and placing it on the poor.

MR. NAPIER said, he wished to explain to the Committee that the clause merely repealed certain provisions of former Acts of Parliament. At the time of the passing of one of these Acts he remembered very well warning the House that in consequence of some of its clauses it would create confusion. The exemption, about which so much had been said, he could assure hon. Gentlemen ought never to have been introduced into the Act, which was one for the general valuation of Ireland, and the object of the clause now before them was simply to remove from it the exemption provision. As the law stood, however, that provision would be ultimately left quite untouched, for the power of exemption was contained in an Act by itself. The truth was this, that if a house were not rated it would bring an increased rent. He thought that the question of exemption should be discussed in a separate manner.

Motion made, and Question put, "That the Clause stand part of the Bill."

House *divided:*—Ayes 79; Noes 25: Majority 54.

Clause *agreed to,* as was also Clause 2.

Clause 3.

MR. J. D. FITZGERALD said, he proposed to add, at the end of this clause, a proviso, to the effect that nothing contained therein should be deemed to make liable to Grand Jury rates any houses rated at, or under, the value of *5l.*, and which were exempted from the Grand Jury Cess, in pursuance of the Statute 6 & 7 *Vict.* c. 32.

SIR JOHN YOUNG said, he thought this addition would make the Bill a very cumbrous one. A Committee would shortly sit to consider the whole Irish Grand Jury system, and he thought there was not the slightest possibility of this Bill being passed before the decision of that Committee were known.

MR. M'CANN said, he would not object to *5l.* houses being rated, but he thought the whole burden ought not to be borne by the occupier. He could not see why the owner should not bear a share.

MR. MAGUIRE said, he thought the right hon. Gentleman (Sir J. Young) ought to postpone the Bill till the House should be in possession of the decision of the Committee of which he spoke. If he persevered in the Bill, he would, no doubt, get a number of Gentlemen to support him at the Chairman's call, neither knowing nor caring what they did. ["Order, order!"] Yes, he would distinctly repeat it again and again—a number of Gentlemen would come in from the lobbies, the dining-room and smoking-room, and would vote for the Government without caring one single farthing how far it affected, or did not affect, the people of Ireland. He would tell the right hon. Gentleman that he had not dealt fairly with the Irish people; he smuggled a Bill into the House at a late hour; no explanations were given; for himself he had no knowledge of the second reading; and now he wished to carry it by the force of his majority. Let the decision of the Grand Juries' Committee be waited for, at all events; he should be willing to abide by it; but it was unfair to make people liable by means of what appeared a discreditable trick.

SIR JOHN YOUNG said, the hon. Gentleman used to-night the same latitude of assertion he generally allowed himself. He said the House had been taken advantage of. But the Bill had been regularly introduced and explained ten days ago. On Wednesday he had consulted for an hour and a half with fourteen or fifteen of the Irish Members upon the subject, when it had been agreed that the question should be referred to the Committee on the Grand Jury Bill. And yet this was conduct which a Member for Ireland considered himself entitled to characterise as a discreditable trick.

MR. MAGUIRE said, he really had not meant to say, and had not said, what the right hon. Gentleman imputed to him. He had only said that the proceeding looked like a trick. And, again, his remarks, whatever they were, applied to the system, and not at all to the individual.

Mr. LUCAS said, it was quite unnecessary for the right hon. Gentleman the Secretary for Ireland to divide the Committee upon this Amendment, for he had expressly said himself that he did not intend to settle the question of exemption at present, but to leave it over for a future occasion. He did not think there could be any valid objection to the words in the Amendment being allowed to stand part of the clause.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 26; Noes 74: Majority 48.

Clause *agreed to.*

Mr. J. O'CONNELL said, he must make another appeal to the Chief Secretary for Ireland in favour of a postponement of the Bill. It was clearly against the feeling of the Irish Members present, and then it should be considered that a number of the Irish Members were absent.

Sir JOHN YOUNG said, he could not admit that twenty-four or twenty-six constituted a majority of the Irish Members, more particularly when he remembered that, at a meeting of Irish representatives to whom he submitted the provisions of the Bill, only one Gentleman expressed a dissentient feeling. Then, as for postponing the measure out of consideration to a portion of the Irish Members, were they to have no consideration for the two decisions of that House in favour of it, by very large majorities. There was nothing in the remaining clauses to afford occasion for discussion.

Mr. G. A. HAMILTON said, that it was extremely important to pass a Valuation Bill, and he hoped, therefore, that no obstruction would be interposed in the way of the passing of the Bill.

Mr. KIRK said, the principal effect of the Bill would be, that every sum of money which should be laid out upon buildings would immediately be made liable to the poor rate; but he would not object to that, if the rule applied to land, which in the next clause was exempted from the tax.

Sir JOHN YOUNG said, the question of buildings being taxed, and land made exempt, was considered a difficult one; but as it had been discussed by the Poor Law Committee, and had been considered as settled, he should not think fit to disturb it.

Remaining clauses *agreed to.*

House resumed.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, March 7, 1854.

Their Lordships met; and having gone through the Business that stood upon the Paper,

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 7, 1854.

Minutes.] New Member Sworn. — For Cardigan County, Earl of Lisburne.

Public Bills.—1° Thames Embankment and Railway (London and West London); Mutiny.

3° Coasting Trade.

PARDON OF FROST, WILLIAMS, AND JONES—QUESTION.

Mr. T. DUNCOMBE said, he rose to ask the noble Lord the Secretary of State for the Home Department whether it was the intention of Her Majesty's Government to advise the Crown to grant the same amount of pardon to Frost, William, and Jones, convicted of high treason in 1839, which had been recently extended to Mr. Smith O'Brien, convicted of a similar offence in 1848? It was with much pleasure he had heard that it was Her Majesty's gracious intention to extend Her mercy to Mr. Smith O'Brien, and he wished to ask the noble Lord whether the same ground was not equally applicable for an extension of clemency to Messrs. Frost, Williams, and Jones? They were convicted of high treason in 1839, and they had therefore suffered fifteen years' banishment from their native land. During the whole of that time their conduct had been most exemplary, and had been so represented by the Governor of Van Diemen's Land. He trusted, therefore, that the same amount of mercy would be extended to them as had been properly extended to Mr. Smith O'Brien.

Viscount PALMERSTON: Sir, Her Majesty, who is always glad when She can properly find an opportunity of tempering justice with mercy, has been graciously pleased to sanction an extension of Her clemency to Messrs. Frost and Williams, similar to that which she has extended to Mr. Smith O'Brien. [Mr. Duncombe: And Jones?] Yes, of course, to Frost, Williams, and Jones, the three who were sentenced together. And I take this opportunity of saying that there are two other gentlemen—[*a laugh*]—who were transported at the same time with Mr. Smith O'Brien—Mr. Martin and Mr. Doherty—who had committed slighter offences than Mr. Smith O'Brien, and whose sentence was therefore limited for a shorter time. Her Majesty's indulgence has also been extended to them.

PUBLIC BUSINESS—QUESTION.

Mr. WALPOLE: I see, Sir, some important Orders of the Day and notices of Motion for Friday evening. There is the second reading of the Bill for the Removal of Bribery, and the second reading of the Controverted Elections Bill; also a notice by the noble Lord of a measure for making further provision for the good government and extension of the University of Oxford. What I wish to ask the noble Lord is, whether the whole of that business is likely to come on, and in what order?

Lord JOHN RUSSELL: On Friday I propose to postpone the Orders of the Day, with the view of bringing in a Bill for the government and extension of the Universities. After that business is disposed of, I shall then propose to take the second reading of the Bribery Bill. I shall not take the Bill for the trial of Converted Elections, with respect to which notice has been given of a resolution upon the second reading, I do not know whether we shall be able to proceed on the same night with the Poor Law Settlement Bill; but my right hon. Friend the President of the Poor Law Board is anxious to proceed with that Bill, if possible.

Sir JOHN PAKINGTON: I wish to know whether, under these circumstances, the Poor Law Settlement Bill ought not to be definitely postponed, because the inconvenience is great of not knowing exactly when such a Bill will come on?

Mr. DISRAELI: There are some returns of great importance connected with the Bill of the right hon. Gentleman the President of the Poor Law Board which are not yet delivered. That may be a reason with the noble Lord why the second reading should be postponed.

Lord JOHN RUSSELL: If there are returns required to be laid on the table of the House, I will not press that Bill on Friday; but as the Government have only two nights in the week, I think the usual hours of sitting should be employed in Government business.

CHURCH-YARDS, ETC. (METROPOLIS).

Colonel HARCOURT said, he would beg to move that an Address be presented to Her Majesty for a Return of the Notices for Discontinuance of Burials within the Metropolis, issued by the Secretary of State, in compliance with the provisions of the Act 15 & 16 *Vict. c.* 85. He wished particularly to call the attention of Her Majesty's Government to this subject, in consequence of complaints that were made of the distress occasioned by the sudden closing of so many burial-grounds without sufficient provision of other places of interment. He disclaimed any intention to blame the noble Lord at the head of the Home Department for the course he had taken under the threatened approach of cholera, or to find fault with him for the defect in the law in not making it compulsory upon parishes, where old burial-grounds were closed, to provide new ones. He was aware the making proper provision was beset with difficulties. Some parishes in the east of the metropolis were in such a state of pauperism that they were unable to pay a rate for the purpose of raising the necessary funds; and as the local want would soon become a national necessity, further legislation was unavoidable. He was told there would be difficulty in finding funds for the purpose. He had never heard of any difficulty in providing parks for healthful recreation, and he looked upon this requirement as no less imperative. He might be told it was better to leave these matters to parochial arrangement, as there was always great jealousy of any Government interference, or to private enterprise. He dissented from any such feeling of jealousy; and as to private enterprise, he would point to the millions lost in railways from not being placed under the direction of the Government, and to the heavy tax levied upon the public for crossing the private bridges over the Thames, as proofs of how much the people lost by the want of Government interference. In his opinion, if there was one subject more than another which ought not to be left to private enterprise, it was the construction of extramural cemeteries for the metropolis. He served last Session on a Committee before which a Bill was brought, for the formation of a very large cemetery at Willesden. The scheme came to them recommended by the proprietors of the soil, by 300 out of 350 ratepayers of the parish, with the sanction of the noble Lord at the head of the Home Department, and with the sanction, if not the approval, of the right rev. Prelate the Bishop of London. When the Bill, however, reached another place, the Bishop of London, with other Bishops, went down to the House to throw it out; it only passed a second reading by a majority of one; it went before a Committee, and by that Committee was finally rejected. He saw it recently stated, in the *Illustrated London News*, that the noble Lord the Secretary of State had intimated to the parish of Marylebone, through the hon. Member for that borough (Sir B. Hall), that he would not give his sanction to the Willesden Cemetery if it were again proposed. It was not for him to find out the reasons why the Bishop of London, the noble Lord, and the proprietors of the soil had all so suddenly changed their minds; but he mentioned this case for the purpose of showing the time had arrived when they must not allow matters to be carried out by private enterprise, and when it was the duty of the Government to see, to a certain extent, that proper provision for interments was made. He might be told that a cemetery was actually, or about to be, provided at Woking, but, he contended, at such a distance it could not meet the wants of the metropolis. Another point worthy the consideration of the Government was, the providing a place for the burial of soldiers, which was much required by the closing of the ground of St. John's, Westminster. The only other subject on which he would touch was, the habitual desecration of the burial-grounds which were closed. He took only casual instances, without having instituted any inquiries, but they were sufficient, in his opinion, to justify his calling the attention of the Government to them, that such cases might not in future occur. On the burial-ground of St. James's, baths and wash-houses had been erected. At Kensington, the vestry erected a vestry-hall on the site of the burial-ground, and in making foundations cast the dead bodies from the part required to the other part of the ground. He considered the whole subject of such deep importance that he felt no apology was needed for bringing it before the attention of the House.

VISCOUNT PALMERSTON said, he had no objection to the production of the return which the hon. Gentleman had moved for, and he was quite aware the execution of the law must be attended with very considerable inconvenience both to parishes and to private individuals. But the ground on which the Act was passed, and the ground on which he had felt it his duty to carry it into operation, was, that the public health, which seemed endangered by the state of these burial-grounds, required those sacrifices at the hands of parishes and individuals. With regard to the graveyards which had been closed, the greater part of the parishes to which they belonged had actually provided for themselves other places of interment, and he did not, therefore, think it would be necessary to have any further legislation. At the same time, if it should appear necessary that a compulsory clause to force parishes to provide proper burial-places should be introduced, he should be ready to consider such a case when it arose. With regard to the proposed cemetery at Willesden, he certainly did give his assent to it. The Bill passed that House, and was thrown out in the House of Lords; but it was thrown out because, on investigation, it appeared that the soil was not suitable for the purpose, and the place was likely to be surrounded by buildings, nearer to the intended cemetery than the Act of Parliament would permit. When that circumstance was brought to his knowledge, he certainly did say, as far as he was concerned, he did not think it would be convenient that a cemetery should be there established. If a cemetery was required in that direction, he did think it should be further from the metropolis, and in better soil. With regard to the Woking Cemetery, he did not agree with the hon. and gallant Member that that cemetery would not afford important provision for the burials of the metropolis, for, he believed, on the contrary, by arrangements with the railways, burials would there take place without considerable inconvenience to the persons who accompanied the funerals. It was quite true, as the hon. and gallant Member stated, that great care should be taken, when any burial-ground was no longer used for interments, that it should not be applied to other purposes. But he had a communication, not long since, with the Bishop of London, and the Bishop assured him that in all such cases, in his diocese, proper care was taken for the removal of the bodies with all that decency which the feelings of the public and the feelings of individuals demanded. He had, however, in preparation a Bill which, if he could arrange it, he should propose to Parliament, to regulate what should be done with closed graveyards.

MR. WILKINSON said, that, as one of the trustees of the Woking Cemetery Company, he could assure the hon. and gallant Member (Colonel Harcourt) that by arrangements with the South-Western Railway Company every facility would be given to parties attending funerals there.

SIR BENJAMIN HALL said, he was glad that the hon. and gallant Gentleman had moved for, and his noble Friend (Viscount Palmerston) agreed to, the return; and if the hon. and gallant Gentleman had moved for further returns, it could have been shown that in several parishes the orders of the Home Secretary for closing graveyards and providing others had been obeyed with alacrity, and that in the conduct of their local affairs the parishes would be always ready to do what was necessary.

MR. APSLEY PELLATT said, he thought that the return moved for should have embraced a wider area round the metropolis. In the parish of Staines, the churchyard, and the graveyard attached to a dissenting chapel had both been closed, and as there was no easy access to any cemetery, the parish was left without any place for the burial of the dead. Time should be given to parishes to get other burial-grounds before their own were closed, and the peremptory and positive orders of the Home Secretary had often led to great inconvenience.

MR. HADFIELD said, he wished to state that in Manchester there were burial-grounds which had cost nearly 20,000*l.*, which were not nearly occupied to their full amount, and he desired to know if those grounds were to be closed without any compensation being made to the proprietors?

Motion *agreed to.* Return *ordered.*

POSTAL COMMUNICATION BETWEEN LONDON AND SCOTLAND.

MR. H. G. LIDDELL said, he rose, pursuant to notice, to move for a Select Committee to inquire into the postal communication between London and Scotland. He was induced to take this course in consequence of the great inconvenience which was experienced by the public by reason of the ineffective condition of the existing arrangements. He did not wish unnecessarily to cavil with the conduct of either the railway companies or the Post-Office authorities, but he wished to convince the House that the present system was ineffective, unsatisfactory, and detrimental to the public interests. The direct line for postal communication appeared to him to be the Great Northern line, and any one who was acquainted with the arrangements on that line would agree with him that it was equal, if not superior, in punctuality, speed, and regularity, to any other railway in the country. The House would naturally imagine that this was the route adopted for the conveyance of the mails; but it was not so. At present the mails were conveyed to Edinburgh and Glasgow, *viâ* Derby, by the North-Western line, and at Tamworth, near Derby, considerable delay was occasioned by the concentration at that place of several lines. The consequence of that concentration was, that the London letters, which were of vital importance to the districts to which he more particularly referred, and also the letters from towns on the eastern coast, were delayed at Derby, to wait the arrival of trains on the numerous branches. From that circumstance a very general delay took place in the arrival of the mails at their destination. The average delay which occurred in the latter months of last year in the arrival of the mail train at Newcastle was, in the month of August, thirty-four minutes; in September, thirty-five minutes; in October, forty minutes; in November, fifty-two minutes; and, in the month of December, it was no less than sixty-nine minutes every day. It was unnecessary to state to the House that such delay in a manufacturing and commercial district was the source of considerable inconvenience. Mails which were due at seven o'clock frequently arrived at eight, and then, considering the time occupied in sorting and distribution, the delivery did not commence till ten o'clock, and sometimes even later, and this grievance was increased by an arrangement by which some of the local mails were concentrated upon the main line. Remonstrances had been made upon the subject, and petitions had been presented to that House, but with no effect. He did not consider that the delay was produced by the insufficiency of speed on the London and North-Western Railway; on the contrary, the speed appeared to be very considerable. It appeared that the speed of the rains which carried the mails was, on the average, from London to Derby, thirty-three miles an hour; from Derby to York, forty miles; and from York to Newcastle, forty-five miles and a quarter an hour, so that an increase in speed would not correct the irregularity. North of Newcastle, the inconvenience was, of course, felt in a still greater degree. Edinburgh and Glasgow, and other towns in Scotland, had complained; and, with respect to many of the cross-posts communicating with Newcastle and other important northern towns, the delays were of a very serious description. It had been said that the terms asked by the Great Northern Railway for the conveyance of the mails was too high, but he had obtained those terms, and they did not appear very high to him. They proposed to convey the mails from London to York, and from York to London, 190 miles each way, for the sum of 2*s.* a mile; and if the Post Office only employed the down train to convey the mails, their charge would be 1*s.* 6*d.* per mile. At present there was a train leaving the station of the Great Northern Railway Company a quarter of an hour later than the last train of the London and North-Western Company, and that train arrived at its destination, Newcastle, regularly and punctually at five o'clock in the morning. That alone was a just ground for employing the Great Northern Railway for the conveyance of the mails to the north; and he did not think that the question of expense should stand in the way when the object to be gained was of so great importance. As the case stood at present, the railway authorities blamed the Post Office, the Post Office the railway authorities, and the public very properly blamed both, and he wished for this inquiry to be made in order that it might be found out which was right. He wished to remind the hon. Gentleman opposite (Mr. Wilson) that he was not speaking on behalf of any rural district, but in behalf of a large commercial manufacturing population, and he hoped that the Government would permit the inquiry to be made, for he felt convinced that the result of it would be to convince a Committee of that House that the Great Northern Railway was the proper one which ought to be employed for the conveyance of mails to Edinburgh and Glasgow.

Mr. COWAN said, he seconded the Motion, believing that the subject was one of very great importance. Great inconvenience had been occasioned in his own immediate neighbourhood by sudden alterations which delayed letters to London twelve, and to Liverpool and Manchester twenty-four hours. At the same time he made great allowance for the Post-Office authorities, and did not at all agree with those who attempted to throw obloquy upon them, for it must be remembered the Post Office was in a transition state, and it was not so very long since letters were carried by mail-coaches. The many difficulties which the Post-Office authorities had to encounter well entitled them to the forbearance of that House and of the country. Much of the evil was to be attributed to the arrangements between the railways and the Post Office, and his belief was, that so long as those arrangements continued it was impossible the Post Office could perform the despatch of the mails to the satisfaction of the country. He thought a Committee would be of service for the purpose of considering the arrangements of the railways with the Post Office, with the view of giving the Post Office authority to command the services of any railway company to carry the mail at a reasonable rate. At present they were acting antagonistically to each other, the Post Office trying to get the service done for the lowest possible amount, and the railways, in many cases, exacting enormous sums. He thought there ought to be more accommodation for Edinburgh, for the House would be surprised when he assured them the number of letters despatched daily from Edinburgh exceeded those from the city of Glasgow. ["No, no!"] He had seen, however, a return to that effect. The Great Northern was twenty-seven miles shorter, and he hoped it would be employed; in fact, it would be greatly for the advantage of the public to employ both railways.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the Postal Communication between London and the Cities of Edinburgh and Glasgow, with a view of ascertaining whether greater despatch and punctuality can be attained in the transmission of letters, as well between the termini as the intermediate places."

Mr. J. WILSON said, with regard to the observations of the hon. Gentleman opposite, relative to the presumed difficulty of an increased expense of employing the Great Northern line of railway, he was quite ready to admit that if that were the only matter that stood in the way of a better regulation and arrangement of the postal communication to the north, it would be the duty of the Government at once to contract with that Company. Although at the present moment they had a contract which enabled them to send any quantity of letters at any time of the day by other lines, that would be no excuse against further expenditure for the public benefit and public convenience, and, were that the only reason, the Government would be prepared to enter at once into a contract with the Great Northern line. But the question was much more complicated, and, he must say, referred very much to the convenience of the district to which the hon. Gentleman had alluded. It would be quite impossible to send a mail direct from London to the north without very materially interfering with and prolonging the despatch of letters from other parts of the country. By the present arrangement a mail went from London at night, and on its arrival at Tamworth was met by the mails from Ireland and the west of England, and the whole of the north mails were delivered by seven or eight o'clock in the morning. But, if they were sent by the Great Northern direct, the mail would arrive at York just an hour earlier than the mail which went by way of Tamworth, and therefore, in order to get letters delivered an hour earlier north of York, they would lose a whole day for the Irish and west of England letters, which met at Tamworth; that was the real difficulty of the case. What was wanted was to find out some means by which, without delaying letters from other parts of the country, they could accelerate the mails from London. If the hon. Gentleman could discover some means by which, by a combination of railways or otherwise, they could send letters from Ireland and the west of England so as to arrive at Newcastle and the north of England in a reasonable time, the Government would be prepared to enter into a contract with the Direct Northern line at once. He must, however, really ask the House to consider the very great extension of business which the railway companies in connection with the Post Office had to perform, and the Post Office to conduct. In one week in 1850 the number of letters passing through the Post Office was 6,852,000; in the corresponding week of last year it had increased to 7,126,000, and the last weekly return was 8,329,000. It was quite obvious, where business was increasing at that rapid rate, and when, as his hon. Friend behind him (Mr. Cowan) had admitted, the Post Office was in a transition state, as to the mode of conveying letters which in many new parts of the country was daily coming into operation, it was no great matter of surprise if they occasionally, or even frequently, witnessed irregularty in the arrival of the mails. He was perfectly free to admit that the present state of the law was very inadequate for the proper performance of the service, and he thought the frank admission he had made in the earlier part of the Session, when he was asked questions about Post-Office irregularities, and the way in which he had always met those inquiries, showed that there was a disposition on the part of the Government to investigate the question. He was therefore, not about to oppose the Motion, but to ask the hon. Member to assent to different terms. He (Mr. Wilson) had had complaints from Newcastle, from the north of England, from Edinburgh, from Glasgow, from Wales, and from Ireland, and therefore it would be an invidious and a comparatively useless undertaking to appoint a Committee to inquire into one single grievance. Believing that the hon. Member would concur in it, and feeling confident that the Postmaster General would feel thankful to the House for any information or assistance it could give on the subject, he would suggest that the Motion should be one to inquire into the cause of the irregularities in the conveyance of mails by railways, and also to consider the best mode of obtaining speed and punctuality. A Motion of that kind would have no reference to any particular part of the country; it set out no special complaints or grievances; and it was open to the House to refer any grievances to such a Committee. By adopting that Motion they would only be doing at once what it was proposed to do separately. He was quite sure the hon. Gentleman was actuated by a desire to consider the whole matter, and not the particular inconvenience only to which his own locality was exposed; he trusted he would at once accede to the alteration, and save him (Mr. Wilson) the necessity of moving an Amendment.

MR. KINNAIRD said, he would advise the hon. Member (Mr. Liddell) to adopt the suggestion of the hon. Secretary to the Treasury, because, although he would have supported the appointment of the Committee in the terms proposed, he was aware that there were several towns in the east of Scotland also suffering inconvenience, and asking for inquiry.

Mr. H. G. LIDDELL said, he did not dissent from the proposition made by the hon. Secretary for the Treasury, but he must permit him to express a doubt whether the subject proposed to be embraced in the inquiry would not be so large as to be beyond the power of a Committee of the House to decide in a reasonable time.

Mr. J. WILSON said, he did not propose that the Committee, though more extensive in its character, should go into the whole subject at once. He was not prepared definitely to state such would be the case, but he thought it very probable that the great importance of the matter brought forward by the hon. Member would obtain for it priority. There would be nothing to prevent the Post-Office authorities from going on with reform while the Committee proceeded with the inquiry.

Mr. MONCKTON MILNES said, he thought the inquiry proposed, on the one side, was too limited, while that suggested on the other might be open to the objection that it was too extensive. The matter seemed to him to be one not for a Committee at all, but for immediate legislation. Let them look at that magnificent railway the Great Northern, passing through populous and important districts, with a train called a mail train, yet carrying no letters. Living upon the line of that railway himself, he did not see why he should not have the advantage of a day mail as well as gentlemen who lived at Tamworth. If there was any difficulty in arranging with the railway companies, it was the duty of the Nobleman at the head of the Post Office to introduce a measure by which that difficulty might be removed. He believed there was no other country in the world in which the great advantages which were here available would be thrown away from a failure upon the part of the Government to do its duty, by proposing such legislation as might be necessary in order to turn them to account.

Mr. FREWEN said, he wished to call the attention to the House particularly to the transmission of the day mail which had been alluded to by the hon. Member for Pontefract (Mr. M. Milnes). The day mail was now sent off at Euston Square by the half-past nine o'clock train in the morning, and did not reach York until four in the afternoon, while the express that left London by the Great Northern at the same time arrived at twenty minutes past two, being a difference of one hour and forty minutes; if letters were sent by that train they could be distributed through the north a good deal sooner than they now were. He also thought some inquiry into cross-posts necessary, and at the same time would allude to a Report which had been made at his instance, some years ago, with respect to the transmission of the cross mails from Yarmouth into the Midland districts. He thought the present subject one well worth examination, with a view of accelerating postal arrangements.

Mr. ALEXANDER HASTIE said, he was confident that, if complaints against any one of the Government departments were justifiable, it was against the Post-Office authorities. He was certain that if they would only avail themselves of the trains actually in existence for communicating between London and Scotland—and he meant only the express trains—that by such an arrangement they would amply accommodate not merely all the important towns between London and Carlisle, but also those lying between Carlisle and the whole west of Scotland—such as Paisley, Glasgow, and Greenock. He trusted, however, that in the inquiry which was about to take place, some notice would be taken of the local abuses which had crept in, because he could not but feel that the Post-Office authorities in Scotland were by no means clear from blame. In Glasgow, for instance, not only had they to suffer from deficient postal communication, but the post office itself was a mere mass of rubbish and ruin. At the same time, he owned with regret that it was exceedingly necessary the right hon. Gentleman at the head of the Board of Works should display a little more activity and zeal in respect of these matters than he had shown since his entry into office. Had the noble Lord the Member for Totness (Lord Seymour) remained in office, he felt sure the Glasgow post office would not now be in its present dilapidated state.

Lord HOTHAM said, he was anxious to show to the House that it was not alone the great towns on the immediate direct line between London and Edinburgh that suffered from the existing deficiency; for there were many districts far removed from the great towns which not only suffered, but suffered in a still greater proportion. For example, there was a large district of the county which he had the honour to represent which depended for its letters upon the important town of Hull, to which letters were brought direct by the principal mail train, to be conveyed thence to the district just alluded to by what he might term an auxiliary train, the departure of which was so arranged as to allow of the mails being forwarded shortly after their arrival in Hull, when the London train reached Hull in proper time. If, however, from any cause, there was a delay in the delivery of letters to the inhabitants of Hull—say of two hours—that detention became of much more serious magnitude to the country districts, and for the reason that the auxiliary train having started without the mails, the London letters were detained until the departure of the next train, which often happened, as was the case during the winter season, to be a luggage train. He himself had forwarded to the Postmaster General a memorial, showing that during a space of fifteen consecutive days the mails had been delayed four hours on each of twelve days. It was quite apparent, then, that some alterations were necessary, and if the Postmaster General had not the power to effect them, let the Legislature itself interfere in the matter. As, however, all such efforts at legislation ought to be preceded by inquiry, it appeared to him that the proposition of the hon. Secretary to the Treasury (Mr. Wilson) was quite sufficient to bring about that remedy which the country had a just right to look forward to. He, therefore, was prepared to concur in the Amendment of that hon. Gentleman.

MR. HUDSON said, the complaints of the inhabitants of the town which he had the honour to represent were very great and very just. In his opinion, the delay was attributable to the Post-Office authorities. All that they had to do was to give notice to a railway company of the time of departure, and the speed at which they wished a mail train to travel. It was the duty of the company immediately to put on such train, and the amount of remuneration was left to arbitration. If the Postmaster General thought it right to send the mails by the Great Northern Company, let him give the necessary notice, and the train would be at once provided. The advantage to Hull and the district around that town, would no doubt be very great, if the complaint mentioned by the noble Lord (Lord Hotham) should be attended to. The grievance was much greater north of York. By a judicious alteration the merchants of Sunderland, Newcastle, and Shields—a district comprising upwards of 400,000 persons—would have their letters placed on their breakfast table. It was impossible to make the necessary improvement north of York by the present route, and he did not see why that district should not have the advantage of the most direct line of communication. He thought the appointment of a Committee most desirable, but should have preferred the adoption of the original resolution, inasmuch as the Committee would have been able to present their Report in a shorter period.

Motion, by leave, *withdrawn.*

Select Committee *appointed.*

"To inquire into the causes of irregularity in the Conveyance of Mails by Railways, and to consider the best mode of securing speed and punctuality, and for remunerating the Railway Companies for the services which they perform."

COASTING TRADE BILL.

Order for Third Reading read.

MR. H. G. LIDDELL said, that before the Bill was finally disposed of he would beg to address a few words to the House. He had received various communications from different Associations and Chambers of Commerce, and had been requested to urge on the right hon. Gentleman the President of the Board of Trade the necessity of endeavouring to obtain some satisfaction as to the reciprocity which this country was likely to obtain from foreign countries in consideration of having abandoned the last remnant of prohibition. That observation applied more particularly to the Government of the United States, which reserved its coasting trade. Whilst this country had relinquished its coasting trade, the right hon. Gentleman was not able to hold out any assurance that anything in the shape of reciprocity was likely to be obtained from the Government of the United States. Indeed, he felt justified in stating that the notion a smart American had on the subject of reciprocity seemed to resolve itself into this—that America should attain all she could get, and give up nothing that she could keep. He would, therefore, entreat the right hon. Gentleman to keep his attention fixed on that point, and trusted he would be able to establish a perfect principle of reciprocity with foreign States. Looking forward to the possible contingency of trade, he could not regard with confidence this change in the law. Although, at the present time, the demand for freights was so great that universal employment was found for the mercantile marine of all nations, he feared this state of things could not be expected to last for ever, and he could not but fear that the time might come when our shipping, being exposed to great depreciation, and our shipowners to great loss, very painful feelings might be excited in our ports by the admission of foreign ships, the crowding in of foreign seamen, and the immense amount of competition to which this country might be exposed.

Mr. APSLEY PELLATT said, he wished to inquire whether the right hon. Gentleman the President of the Board of Trade had turned his attention to the restriction which prevented screw steamers from engaging in the coal trade on the Tyne?

Mr. H. G. LIDDELL said, at present that upon the entry of foreign vessels into English ports their stores were sealed up, but the masters were allowed to take out the articles necessary for the crews during their stay. He wished to ask whether it was in the contemplation of the right hon. Gentleman to make the owners of foreign ships pay duty on all the stores that might be on board such vessels?

Admiral WALCOTT said, he could not allow the third reading of the Bill to pass without recording his complete disapproval of the measure. It was a Bill that in his opinion affected the well-being of England itself; and, therefore, all consideration for private interest ought to yield to the consideration of what was due to the maintenance of England's prosperity.

Mr. HUDSON hoped that, as the Bill was to pass, other countries would be induced to confer similar advantages upon us.

Mr. THOMPSON said, that as a shipowner, he must express his regret that the present measure had not been passed simultaneously with the alteration of the Navigation Laws; had that been done the mercantile interests of the country would have been freed from many inconveniences long ago. It was most important, however, that the United States, at all events, should grant the same freedom to England that they enjoyed in this country. He alluded especially to the prohibition against English vessels engaging in the trade between New York and California. He felt sure that the time would come when the people of the United States would feel quite sure that the present system was maintained solely for the advantage of the proprietors of their splendid clippers, while it affected most injuriously the great bulk of their mercantile and manufacturing community.

Mr. CARDWELL: In replying, Sir, to the various suggestions which have been thrown out with regard to the impediments in the coal trade, I have caused some inquiries to be made, and shall be happy if any satisfactory alteration can be made in that respect. With respect to stores, foreigners will be admitted to exactly the same privileges as British subjects, and to no others, and a foreigner coming here will enjoy no privilege with regard to duty-paid stores, but would be placed on the same footing as the Queen's subjects. Before the Bill takes its final departure from this House, however, I wish to say a word or two on the subject of reciprocity. The hon. Member for Liverpool (Mr. Liddell) has expressed his apprehension not only lest this country should fail in obtaining reciprocity, but lest at some future period, in consequence of reverses of trade, we should experience the evil results of opening our trade to all the world. I was happy to hear that observation replied to by the hon. Member for Aberdeen (Mr. Thompson). The Liverpool Shipowners' Society, not insensible to the interests of the shipowners of the United Kingdom, have forwarded to me an official record of their approval of the Bill, and they coupled it, and justly coupled it, with their desire that the Government should urge upon foreign countries the duty of conferring upon England privileges reciprocal to those which in our ports have been conferred upon them. And in urging that duty on foreign countries, by what means would the Government be most likely to prevail? If, by retaining some fraction of our protective system, this country had betrayed a want of confidence in the principles which it professes to espouse, we should naturally have failed in the arguments which ought to be addressed to foreign countries; for it was not by reciprocally bargaining upon the subject of trade that we should be so likely to carry out our views with foreign countries as by showing from the success of our example—from that unparalleled prosperity which has followed every relaxation of the restrictive system — that we have adopted it from a conviction that it benefits the people and redounds to the national advantage — thus tending to produce in their minds an anxiety to reap the same advantages for themselves. My attention has been particularly drawn to the case of the United States — the most important of all the countries with which we have relations on this subject. It has been said, "The United States will not give us reciprocity unless we can satisfy them that it is for their own advantage to do so." Probably the easiest mode to satisfy them would be by urging our own successful example upon them. But what I wish particularly to call the attention of the House to in regard to the United States is this. In 1849, when the repeal of the Navigation Laws took place, you entitled yourselves by the self-acting clauses of the law in the United States to a reciprocity with them so far as regarded the general over-sea trade. You would not have entitled yourselves, by these self-acting clauses, to reciprocal concessions in regard to the coasting trade. But by the course you have taken, you have laid yourselves under these disadvantages. By opening your colonial trade to them, although not your coasting trade, you naturally expected to receive in return, if not their coasting trade, at least that peculiar trade which consists in the voyage from the eastern coast of America, say New York, to the western coast, namely, California. But there was in America an objection of so high a nature as connected with their constitution, that it might fairly be called an insuperable objection to their making that particular concession, for there is a principle of their constitution which prevents their placing one particular State in a different position from another, and they could not place the voyage from New York to San Francisco on one footing in their law, and the voyage from New York to Baltimore upon another. Up to this time this insuperable difficulty has been felt. Now, however, that your coasting trade has been opened, you have the right to go to America and address to her another language. You have the right to say that, having made every concession with regard to your own country — having shown your unhesitating confidence in the soundness of your own principles — you are not now open to that rebuff when you urge upon her to admit your subjects to advantages such as you give to her subjects. I contend, therefore, with regard to reciprocity with the United States, that this measure is a most important measure, as placing you in a position to call on that great and friendly country, although our rival in navigation, for a measure of reciprocity. Nor did Her Majesty's Government neglect to take the steps which it became them in that respect. At the proper time my noble Friend at the head of Foreign Affairs took steps to call the attention of every country, and more especially the attention of the United States, to the step which Her Majesty was recommending Parliament to take on the subject of the coasting trade. The time that has since elapsed has not been sufficient for answers to that communication to be generally received; but it is my good fortune to be able to state to the House that that circular has been productive of results already. In the case of an important neighbouring country, important as regards its commerce — Holland — I learn from my noble Friend that the most satisfactory assurances have been received of immediate action on reciprocity. I think it must be extremely satisfactory to the community that the measure has been permitted to pass this House without a dissentient voice—supported on this occasion, and on others, by the testimony of those either most largely interested in the shipping trade, or representing the largest shipping communities — and I believe it is a most important step in the progress of universal free trade, that England, with the unanimous concurrence of the House of Commons, has struck from the free navigation of these shores the last remaining fetters.

MR. DIGBY SEYMOUR said, that referring to a resolution of the Shipowners' Committee of Sunderland condemning the opinion he had expressed on a previous occasion in that House, he must deny that that resolution expressed the sentiments of the majority of the people of that town. The press of Sunderland — Tory, Whig, and Radical — had united in expressing their approval of the course he had taken in supporting Her Majesty's Government, and he might add, to their credit, that the seamen of Sunderland had come to the conclusion that the throwing open of the coasting trade and the extension in that way of free-trade principles would, while it promoted the prosperity of the country generally, promote also, if not at the present moment, at least in the end, the prosperity of the interests which they represented.

Bill read 3°, and *passed.*

The House adjourned at a quarter after Seven o'clock.

HOUSE OF COMMONS,

Wednesday, March 8, 1854.

MINUTES.] PUBLIC BILLS.—1° Marine Mutiny. 2° Absconding Debtors (Ireland); Mutiny. 3° Commons Inclosure.

GOVERNMENT PRISONS IN IRELAND—QUESTION.

MR. FRENCH asked the Secretary for Ireland whether a Commission had been appointed to examine and report on the state of the Government prisons and convict depôts in Ireland; whether it had made any Report; and by what authority it had been appointed; further, whether such Commission had been superseded, and another Commission appointed by the Home Secretary; and whether there was any intention on the part of the Government of transferring the superintendence of these Government prisons and convict depôts from the Irish authorities to those in England?

SIR JOHN YOUNG said, a Commission had been appointed to examine and report on the state of the Government prisons and convict depôts in Ireland. It had not yet made a Report. It was appointed by the authority of the Lord Lieutenant. The next question was, whether such Commission had been superseded and another Commission appointed by the Home Secretary. The facts of the case were these:—the Lord Lieutenant, in consequence of the Act to discontinue transportation, had communicated with the Home Secretary, by whom inquiries had been made; but no fresh Commission had been appointed. With regard to the third question, whether there was any intention of transferring the superintendence of these Government prisons and convict depôts from the Irish authorities to those in England, as far as he was concerned, no such intention existed.

SUCCESSION TO REAL ESTATE BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR JOHN PAKINGTON said, he had had no intention of offering any observations to the House at this stage of the measure if any other Gentleman had appeared disposed to state the grave objections which, in his opinion, ought to prevent the House from sanctioning the principle of such a measure by assenting to its second reading. In his humble opinion, the conduct of Her Majesty's Government with regard to several measures which had been submitted to Parliament this year rendered it imperative that the House should watch with unusual jealousy and anxiety the attempt to pass a measure of this kind; and for the same reason he thought it desirable, not only for that House, but for the country also, to regard with no common interest and anxiety steps which in future might end in democratic encroachments upon our institutions, whether such encroachment should come from one quarter or another, sometimes affecting one institution and sometimes another. The object of the Bill now before the House was to alter the principle of the law of England with regard to succession to real estate. He was most desirous, and especially upon the grounds to which he now adverted, that the House should at once and emphatically refuse to adopt the principle of this Bill. He believed that principle to be opposed, not only to the spirit of our institutions, but to the spirit and feelings of the great bulk of the population of the country. The Bill professed to aim at no very comprehensive object; it professed merely to alter that part of the law of England upon the question which came into operation in the case of any owner of real estate dying intestate; but he thought the House might clearly see that this was only the commencement of other proposals upon the subject. As far as the Bill now before the House went, he considered it to be most unwise in its proposals, and, as he had before said, most inconsistent with the spirit of our laws and the desire and wishes of the people. He believed its operation would be most objectionable. It would in fact come to this—that in any case were sudden death overtook any owner of real estate—that where, by the hand of Providence, any owner of real property was deprived of life before he had been enabled by will to dispose of his landed estates—the law would step in and make for him a disposition of that property which he felt morally certain, in ninety-nine cases out of a hundred, would contravene the wishes and desires of the individual who had thus died. But he thought the House might gather instruction from what occurred, if he rightly understood it, in the debate which took place when the hon. Member for East Surrey (Mr. Locke King) first introduced this Bill. If he remembered rightly, the hon. Member for East Surrey received support from the hon. Member for Manchester (Mr. Bright), whom he (Sir J. Pakington) understood to express an opinion that, although he was ready to support the object and intentions of the Bill, yet, in his judgment, the Bill did not go far enough and ought to be carried to a greater extent. The only construction he (Sir J. Pakington) could put upon that opinion, supposing he were correctly stating the spirit of the remarks of the hon. Member for Manchester—and the hon. Member did not appear to object to the statement—

Mr. BRIGHT said, he believed he had not made use of the expressions attributed to him; at any rate, he had no recollection of having done so. If, however, it would serve the right hon. Gentleman's argument, he had no objection to do so now.

Sir JOHN PAKINGTON said, the hon. Member for Manchester, from the tone of the remarks he had just made, seemed to consider that his words had been misrepresented. He (Sir J. Pakington) could assure the hon. Gentleman that he had no intention of misrepresenting him, and, at all events, it was clear that, if he had misrepresented the language of the hon. Gentleman, he had rightly understood the spirit of his remarks. The hon. Gentleman now said he adopted what he (Sir J. Pakington) had attributed to him; and what did that amount to? It amounted to an opinion upon the part of the hon. Gentleman that the alteration of this law must be carried out even to the extent of making equal division compulsory.

Mr. BRIGHT really wished the right hon. Gentleman would be more guarded in his representation. He (Mr. Bright) did not hold that opinion in the least.

Sir JOHN PAKINGTON said, he was glad to find that the hon. Gentleman disavowed that opinion; but he confessed that, after the admission made by the hon. Gentleman, that, according to his views, the proposal now before the House did not go far enough, he felt some difficulty in undestanding what medium course the hon. Gentleman would take between that now suggested by the hon. Member for East Surrey and that which he (Sir J. Pakington) had supposed to be the object of the hon. Member. Independently of the opinion which Members of that House might, and indeed must, form and feel of what was the real spirit of the institutions of this country, and what they knew to be the intentions of the immense majority of the owners of real property, independently of the objections which must be entertained to this proposal upon those grounds, surely the example of a neighbouring country, in what had taken place in France consequent upon the change in this portion of the law there, should make that House cautious how it entertained the proposal made by the hon. Member for East Surrey. He sincerely hoped that, by an overwhelming majority, the House would prove that it was not disposed to entertain any proposal which might lead to encroachments upon the existing law of England with regard to the succession to real property. He regarded this subject with more anxiety on account of the present conduct of the Government of the country, and he could not but bear in mind that the hon. Member for East Surrey, who moved the Bill, and the hon. Member for Manchester, who avowed his intention of supporting it, and of even going still further in the matter, were among those Gentlemen upon whom the Government of the country most constantly relied for support. He hoped to receive from the noble Lord (Lord John Russell) intimation that the Government were prepared to resist any encroachment on our institutions in this direction at least; though, even should they obtain that assurance, he could not forget that the noble Lord had resisted formerly several propositions of hon. Members behind him, which he was now no longer prepared to resist. Year after year they had had Members of the same political party as the mover of this Bill urging on the House the repeal of the ratepaying clauses of the Reform Act, and while the noble Lord was the leader of a Liberal Government he uniformly opposed those proposals. The hon. Member who brought forward this Bill (Mr. Locke King) had brought forward year after year Motions for giving the 10*l.* franchise to county voters, which the noble Lord, as head of a Liberal Government, had also opposed. But now that the noble Lord was in a new position, combined with Colleagues who were professed Conservatives, he was found supporting those very changes which he had before resisted. It was impossible for hon. Members on his (Sir J. Pakington's) side of the House to regard with indifference these examples of a tendency to encroach upon the institutions of the country, which the noble Lord and his Colleagues appeared disposed to make. There were other Bills on the table of a similar tendency to the present, and he thought it most desirable and necessary at once to check the advance of measures of this description. The noble Lord had complimented him upon a recent occasion—though it was not intended for a compliment—with being explicit. It was always his (Sir J. Pakington's) wish and intention to be explicit; for he was not one of those who thought that language was given to a man to conceal his thoughts; and in his opinion, when measures of this dangerous tendency were brought forward, and when hon. Members saw the course which the Government were prepared to take, it was his duty to be explicit, and he was prepared to set his face against such measures and to do all that he could to oppose them. He would move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. BRIGHT said, he thought the House would agree with him that the right hon. Gentleman had not been very successful in advancing any arguments against the Bill. The right hon. Gentleman began, with a solemnity of tone which indicated that he was about to make something like a funeral oration, to express his fears that the Constitution, under Her Majesty's Ministers, was in extreme peril, and that this was only one of a series of measures to overturn it. Then the right hon. Gentleman fixed on him (Mr. Bright) as having opinions to which probably the House would not agree, and thence tried to prejudice the House against this Bill, by tying up with it certain ulterior opinions which he assumed he (Mr. Bright) held. That was a common course of argument, but he did not think it was a very fair one, and certainly it was not one which he should himself pursue. The right hon. Gentleman said this Bill was quite contrary to the spirit of the institutions of the country. Now, that the right hon. Gentleman had said of almost every measure to which he was opposed that had been brought forward since he (Mr. Bright) had been in Parliament. He had made the same assertion of every measure of Parliamentary reform; and he had said the very same thing of all those great measures of financial reform, to which, rather more than a year ago, the right hon. Gentleman had notwithstanding set the seal of his approbation. All those measures had been discussed in the very same spirit, by the same party, and in almost the same words. The right hon. Gentleman, or his Friends, used to say, that it was contrary to the spirit of the Constitution that the landed gentlemen of this country should not hold a monopoly of the markets of the country. [SIR JOHN PAKINGTON dissented.] The right hon. Gentleman was conveniently forgetful; and if he (Mr. Bright) were in his place, he should wish to forget everything he had said on that subject. The right hon. Gentleman said this appeared to be but a small measure on the face of it, but it was the beginning of a series of measures which would tend to the calamities he had described. But the course of our legislation and judicial proceedings had for a long period been in favour of that which this Bill proposed, namely, to set landed property more free than in feudal times had been the case. And this Bill was not only conformable to public morals and public feeling, but was clearly another step in the direction of that legislation which the House had agreed was wise and judicious, the object of which was to set more free that most important description of the property of the country, the land on which we lived, and out of the produce of which we existed. The right hon. Gentleman said he could see no stopping place—nothing between the law of primogeniture as it now stood in the country, and the compulsory division of land, as in a neighbouring country. If the right hon. Gentleman had lived in the time of the Stuarts, he would have insisted there was nothing between the Government of Charles and a red republic; he would not have understood that there might be such a thing as a limited monarchy and constitutional Government; he seemed to have no power of discriminating between a bad principle in one extreme, and a bad principle in another. If he (Mr. Bright) were asked, whether he approved of the forced subdivision of land in France, any more than the forced non-division of land in England, he should say it was extremely difficult to choose which was the worst, and no one would ever find him voting for one or the other. He believed both plans to be contrary to all sound economical principles; and that the true principle with regard to land was just that which was adopted with regard to personal property, that they should give the most unlimited freedom, as the law now gave, to the testator to make his will as he liked; but if he failed to make his will, let the law come in with powers to make such a distribution of his property as, according to the dictates of natural affection, a parent would have made had he been under the influence of just feelings with regard to his family. The right hon. Gentleman said public opinion was very much against this Bill. Now he had no doubt the right hon. Gentleman's public opinion was very much confined to the public opinion of territorial proprietors, and of the aristocratic classes, upon one of the lowest steps of whose ladder the right hon. Gentleman had succeeded in placing himself. He was willing to admit that large holders of land generally objected to the dispersion of their estates, as tending to weaken their family influence; but he (Mr. Bright) had not the smallest doubt that, if the opinion of the great bulk of the people between that class and what he would call the "wages class" could be ascertained, it would be found to be in an overwhelming degree in favour of this Bill, because it was quite notorious that, with regard to landed property, men of the middle classes generally did make by will an infinitely fairer division than the law made in cases of intestacy, and they wished to see the law brought into harmony with their own practice and opinions, which would be the effect of this measure. The right hon. Gentleman did not argue much against the Bill; he merely endeavoured to throw blame on persons on that side of the House for desiring any change. He (Mr. Bright) did not hesitate to express his opinion that no circumstance was so unfavourable to the labouring population as the concentration of vast landed estates, through successive generations, in particular families. For instance, there were probably more noblemen's and gentlemen's seats and parks in Hertfordshire than in any other county of its size. A friend of his, in the legal profession, who varied his occupation by cultivating a farm in Hertfordshire, gave him an anecdote to show how the forced retention of estates acted on the labouring classes. A labourer of remarkably frugal habits and laborious conduct had saved enough money to buy a horse, and applied to him to lend him a cart, as he thought he might make a little money by carting coals and other things about the neighbourhood. The gentleman being anxious to help a deserving man, lent him a cart for some time, and by working early and late, and living almost literally on a crust a day, the man became possessed of two or three carts of his own, and such an employer of labour as to keep a boy. He came to the gentleman, and said, "If I could get a farm of fifteen acres I should be on my way up; but there is not in the district a farm of fifteen or twenty acres that I could take or occupy for love or money." His friend added, that he was so satisfied of that man's industry, that he was sure, if he could have obtained a small farm, he would have been in a few years one of the first farmers in Hertfordshire, and a large employer of labour. To the agricultural labourer the system was like a ladder, all the steps of which were broken out within ten or twelve feet of the bottom. If the man had had 1,000*l.*, he could have raised himself; but he was at the level where there was no help, and he remained in the position in which he was. That was not the condition of the labouring classes in the counties of Durham or Lancaster. In Durham there were more men underground than there were upon it, cultivating its surface, and in Lancashire they found men constantly springing up from the humble position of the man earning 20*s.* or 30*s.* a week. But that was not the state of things in the agricultural counties, under laws established for taking care that the great bulk of landed property should be kept continuously in certain hands; and those laws had no respect whatever for the hopes, and exertions, and ambition, if ambition ever could arise in the breasts of the agricultural labourers of this country. He was in favour of this Bill on that ground. He, for one, thought it desirable that land should be as easily bought and sold in the market as any other property. He liked to see in Lancashire the small mills and small concerns, as well as the large mills and large concerns. He liked to see a regular gradation, showing that men by frugality and industry were making their way from the smallest to the more elevated positions. That was not so with regard to landed estates; and upon reasons of common honesty and morality, if on no other, the law ought to be altered. There were thousands of families, in the nearest relationship of life, whose friendship had been destroyed by the operation of this law, which excluded any but the eldest son from succession to the real estate in cases of intestacy. There could not be a doubt that differences would arise when property was given over to one member of a family to the exclusion of all the others. Since he spoke last on this subject, he had received a letter from a gentleman in London, describing the injustice and hardship which the law had inflicted on his family. He said:—

> "My father died suddenly in 1826, leaving a widow and eleven children. His landed property was worth about 15,000*l.* or 16,000*l.* His personal property was sworn under 4,000*l.*, the whole of which was absorbed by bond and other debts. He left four sons and seven daughters. The eldest son had already assumed the name, having succeeded to the property, of his maternal grandfather. By the intestacy the eldest son succeeded to all the landed property; and the debts, which absorbed the personal property, had been principally incurred in the purchase of the land. Ten brothers and sisters, as regarded their father's property, were left utterly penniless and at the mercy of their elder brother. My father left an inoperative will, which evinced his intention to provide an annuity for his widow, and to divide his property equally among all his children, giving the option to the eldest son to take the land at a fair value, as he had purchased it with a view to complete the grandfather's estate. Heartburnings and jealousies naturally arose, and this case is illustrative of the general cruelty and injustice of the law of primogeniture among the middle classes; but its repeal cannot benefit me, or repair the wrong it has inflicted."

He (Mr. Bright) ventured to say that was a true description of what took place every year in all parts of the country; and that for which every man would be reprobated as unnatural, wicked, and cruel, was the effect of a law which the right hon. Gentleman thought part of the British Constitution. He (Mr. Bright) would be ashamed of such a law; he should be ashamed to say he was the supporter of a Constitution one of whose bulwarks was opposed to natural affection, common sympathy, common honesty, and ordinary morality. They reprobated a man as one who ought never to have entered into the marriage tie, or encountered the responsibility of parentage—as a man, who ought to be left as isolated as he was selfish, with none of the joys and comforts of a family—if he were unwilling to undertake those duties which morality, honesty, and religion required; and yet the law, if he failed to act, acted in such a way as to leave his wife and family utterly penniless, for the sake of amassing everything in the hands of the eldest son. Those were the views upon which he founded his belief, that the time was come when the spirit of the Constitution required that morality should no longer be sacrificed, and when the House ought to pass this Bill. By whom was it introduced? By a Gentleman unconnected with the terrible democratic class—unconnected with cotton spinning—not coming from Manchester—not supposed to have any great sympathies with that great class to which the right hon. Baronet was opposed. He was born one of themselves, and had seen more of the evils of this system than he (Mr. Bright) could possibly describe. He, therefore, entreated the House to consent to the just proposition which had been embodied by the hon. Member in this Bill.

Lord LOVAINE said, the speech the House had just heard was a very natural one, coming from an hon. Member who, in his speeches elsewhere had affirmed his predilections for a different state of government—namely, a republic.

Mr. BRIGHT: No man living has ever heard me say anything of the kind, and I must protest against sentiments being attributed to me that I never uttered. Really the right hon. Baronet and the noble Lord put me in a very awkward position in compelling me to make these constant interruptions.

Lord LOVAINE would make every apology to the hon. Gentleman, but he only stated what he saw in the newspapers. [Mr. Bright: The *Standard*, perhaps]. No; in reports of speeches professed to be made in Manchester or Liverpool. The hon. Gentleman, from the latter part of his speech and the tone of the letter he had read, evidently wished to abolish the law of primogeniture altogether. That went considerably further than this Bill, which professed to deal only with particular classes of property left under particular circumstances, whereas it appeared that the law of primogeniture was at the bottom of the whole concern, for the proposed measure was a mere fallacy unless it involved in principle the utter abolition of that law; for if it were unjust that the heir should be preferred to all the children, then this was equally the case whether it were done by will or by the law. As to the morals of the public being concerned, he could not see how the public were concerned in an act which only affected a certain class, and only a few members of that class; and as to the case in the letter which the hon. Gentleman had read, he did not see how it made out his position, for if the deceased gentleman had left all his property by will to his eldest son, the rest of the family would have had just the same reason to complain. Look, too, at the hardship which would be inflicted in carrying out the new law. If the House would imagine a gentleman dying intestate, and leaving a property with a large house upon it, it would be in the power of every member of that family, if the present law were repealed, to enforce the sale of the family house and the division of the family estate. It was clear that if the present Bill passed we should see gradually enforced among us a subdivision of property as in France, and a state of feeling such as existed in the United States, where no man dared to leave a larger share of his property to his eldest son than to the rest. As to the complaint of the want of small owners, he (Lord Lovaine) had never known a small owner of property in England who was not mortgaged over head and ears. The reason was clear, for how could the small owner compete with the large capitalists and the large proprietors? If anything went wrong or any accident happened to his farm or his house, he could not find means to repair it without being obliged to borrow money. The condition of the possessor of a small farm in this country was frequently worse than that of a mere labourer. He concurred in the alarm expressed by the right hon. Gentleman (Sir J. Pakington) relative to the tendency of this and similar measures, and was, like him, disinclined to make great changes in the distribution of the property of the landed classes. He would therefore oppose this and every other Bill which tended to prevent the formation of a powerful landed interest in this country, which was the only source of a power able to withstand the daily attacks made upon property of every description by the lower class of voters, to whom, in the possible event of the passing of the new Reform Bill, the whole power of the kingdom was to be delegated.

MR. MONCKTON MILNES said, it was a common belief abroad that there was a law of primogeniture in this country, and in conversation with intelligent foreigners he found them greatly surprised when they were told, what was the fact, that primogeniture in all its operations rested upon the customs of the country and the will of the people, and upon no law except that small pin-point of a law now under discussion, and which he agreed with the hon. Gentleman (Mr. L. King) it would be well to abolish. The law of this country at the present moment was, with one exception, the law of the whole of the United States upon this point, and the whole difference in the operation of the law between this country and the United States of America depended upon the different habits and customs of the people, and not upon any difference of legal arrangements at all. He had, therefore, been surprised to hear a Gentleman who was generally so well informed as his noble Friend the Member for Northumberland (Lord Lovaine) come here and talk of a law of primogeniture which did not exist. A great many matters had been introduced into the discussion which did not seem to him to bear at all upon the question. They were not there to determine whether large or small farms were desirable, or whether our system of testamentary inheritance was better than that of France; but upon the first point he must be permitted to remark that, when his noble Friend told him that small farms were mischievous, and led to nothing but desolation, he might fairly ask him to look at the present state of Belgium, and see whether, under a system of prudent management of the small farms of that country, a larger produce was not got out of the land than from the richest fields of the Lothians. Nor could he admit that his right hon. Friend the Member for Droitwich (Sir J. Pakington) was right in saying that the system of subdivision of land in France carried with it all those evils which he appeared to imagine had resulted from it. He thought that, if he had looked a little further into the matter, he would have found that the very large distribution of landed property throughout France was the conservative element in that country, and had helped, as he believed, to carry her with comparative safety through political convulsions to which he should be sorry to see our country exposed. He should give his vote in favour of the measure; because he believed that if there was any one barrier which could be raised against coming, at a future period, to a system of forced testamentary jurisdiction, it would be found in the abolition of the law which this Bill proposed to repeal. If they took that course, the whole testamentary jurisdiction of the country would remain entirely free,—every man would have a right, as he had now, to dispose of his property as he pleased, and if he died without a will, the division of his landed property would not be affected by legislative provision, and would follow the natural course of things. There was nothing in this Bill, if he wished to concentrate his property upon his eldest son, to prevent his doing as he might think best;—all that would be necessary in order to effect that object would be that he should make a will, and it was only in the event of his dying without a will that this measure would take effect, and direct in what manner his estate should be distributed. Much misconception was abroad as to the operation of this law. Its ill effects fell principally upon the lower classes of those having landed property, although its operation was occasionally most injurious on the higher classes of society. The hon. Member for Manchester had mentioned some cases which had been communicated to him, and he (Mr. Milnes) was acquainted with a case which had occurred in the West Riding of Yorkshire, that of a gentleman who had amassed a large property as a manufacturer, and had invested a considerable portion of it in land. This gentleman died intestate in a very sudden and tragical manner, and the whole of his landed estate had descended to his eldest son. In that case, however, the heir, being quite convinced that this was not what his father intended, nor what he would have done if he had made a disposition of his property, himself made a voluntary division of it equally among his brothers and sisters, and refused to avail himself of the advantage which the present state of the law gave him. England and the United States were the only two countries in which a law of forced testamentary division did not exist. The law of this country most wisely left the general disposition of property freely in the hands of those who bequeathed it. He regarded this as a most precious portion of our liberty, and if we had proceeded upon any other system we should have progressed rapidly towards a forced testamentary disposition of property. The right hon. Baronet (Sir J. Pakington), who had quarrelled with the Government for supporting this Bill, might have waited to hear what the Government said before he made them responsible for a measure, with respect to which, he believed, they had held no communication with the hon. Member who had introduced it. He trusted, however, that the right hon. Gentleman was right, and that the Bill would receive the support which he had assumed, and to which it was so well entitled.

Sir FREDERIC THESIGER should regret if his hon. Friend who had just spoken had misled any of those enlightened foreigners with whom he had been conversing on this subject; for if he had told them that there was no such law prevailing in this country as the law of primogeniture, he had been persuading them of that which was undoubtedly an error. He always imagined himself—and he had had some experience in the law—that a law of primogeniture did exist in this country. He had always imagined that if a person died possessed of real property without making a will, and left several sons, the eldest would succeed to the inheritance; and he had always supposed that if a person had devised to him an estate—to him and to his heirs—it was the eldest son who, upon his death, succeeded to that estate, and not the whole of his sons, who in one sense might be considered his heirs. And, so far from its being "custom," as his hon. Friend appeared to indicate, which regulated this succession, it was as completely part of the law of this country that primogeniture should prevail, as any other law, however firmly established. Any hon. Gentleman who was well read in the matter would know perfectly well that when the feudal system was established, the eldest son, probably on the ground of his being best able to undertake military duties, succeeded, on the death of his father, to the fief; and, with regard to soccage land, the right of primogeniture was established at a very early period, except in certain cases, such as the gavelkind land in Kent and other counties, but principally in the county of Kent; but these were not the rule, but the exceptions. Now this was accompanied, with respect to soccage land, with a power of devising by will, but with respect to military tenure there existed no power of devising at all until the statute of Henry VIII. The law of primogeniture, therefore, applied to both; but in the one case with, and in the other without, the power to devise, until the reign of Henry VIII.; and even the statute of Henry VIII. did not give the power of devising the whole of the land held by military tenure, but only a portion of it; and it was not until the abolition of military tenure, in the reign of Charles II., when military tenures were converted into free common soccage, that the general power of devising land was introduced. It was therefore saying what was entirely inconsistent with the laws of the country, when his hon. Friend told his "intelligent foreigners" that the law of primogeniture did not prevail, but that it was merely custom.

MR. MONCKTON MILNES: I stated that, with certain exceptions, it did not prevail. What I intended to say was, that the disposition of landed property in this country was now the same as if that very Act of Henry VIII., which my learned Friend has alluded to, had never been passed.

SIR FREDERIC THESIGER was much obliged to his hon. Friend for the explanation; but he had led his foreign friends very far astray, for he had given them as an exception what was, in fact, the rule; but he had set them completely right by the large exception he had been kind enough to give them. Having, as he hoped, established that there was a law of primogeniture, either in the rule which prevailed or in his hon. Friend's exception, he would now proceed to consider the measure which was before the House, and it appeared to him that that measure was objectionable, either because it was useless, or because it was mischievous. It was useless, because it provided that in every case any person, by making a will, might obviate the application of the law, and the only consequence of such a law passing would be to induce everybody to be extremely careful to make a will with respect to his real property; and he thought it mischievous, because it recognised the principle that it was desirable there should be a division of real property among children in cases where the party died intestate. Now, whatever might have been the opinion of the earlier political economists, such as Montesquieu and Adam Smith, he believed that in the present day the general notion obtained that it would be extremely undesirable to have a compulsory law for the division of real property. He thought they were all agreed upon that; for they had had an instance from a neighbouring country, which enabled them to judge as to the propriety of introducing a measure of that kind; and he thought that being a principle to which we seemed to be opposed, it would be adopting a most unfortunate course to call on Parliament to recognise such an objectionable principle, and to allow its operation in those cases where, by accident, the party had not made a will disposing of his real property. That being the state of the case, he had listened with great attention to the speech of the hon. Member for Manchester, because, following as he did the right hon. Member for Droitwich, and objecting to the arguments his right hon. Friend had used against the measure, he took it for granted that the hon. Gentleman was about to answer those arguments, to adduce some reasons of his own, and to give some explanation which would be satisfactory to the House as to how far he intended to go, or of the course which he wished to take in reference to this matter. The hon. Gentleman had said he wished to go further than this Bill proposed to go; that this was merely the beginning of a course in the right direction; but did the hon. Gentleman inform the House the extent of his own views? Did he tell them at what point he wished to stop between the present measure and a compulsory enactment for the division of real property? He was not aware that the hon. Gentleman had given the House any explanation at all of what his intentions were; and it was impossible, as it appeared to him (Sir F. Thesiger), when once they had admitted this principle, to stop short of carrying it out to its full extent. They would be compelled to proceed, and it was that which made him apprehensive with respect to the consequences of the measure proposed by the hon. Member for East Surrey. Hon. Gentlemen were aware that settlements or wills that were intended for the settlement of property generally terminated the course of that settlement by a general devise in favour of the heirs of the settler (or testator), or of the person in whose favour the settlement or will was made. Now when once Parliament had recognised the principle that, in the event of a person dying intestate, all his children were to be heirs of his real property, he should like to know how it would be possible for them to stop short, and to say that there should not be a measure introduced by which an interpretation should be given to those words of general devise or of settlement allowing all the children to be considered as heirs of the devisor or settler. They would thus have got another step in advance; and it was a step which he thought they could not fail to make, supposing they carried this Bill, by establishing that all the children of a man should be considered his heirs, instead of his eldest son. But why would they stop there? If it were considered desirable in cases of intestacy that all the sons should succeed to the real property, why should it not be considered desirable in all cases? Why did they provide for a few cases, establishing a principle which they said it was important to establish, and forbear to carry out that principle to its fullest extent by applying it in every case? It appeared to him that it was almost impossible to adopt this measure and to stop short of advancing to the very last point—the compulsory division of property. But, in point of fact—and he thought it was not inappropriate to mention it in this place—that principle had been tried already in this country, and had been found so inconvenient that the law had been repealed. He had alluded to the county of Kent, and to the gavelkind tenures which prevailed there. The House would please to recollect that by the law of gavelkind the land descended, not to the eldest son only, but to all the sons equally, but with a power of devising by will, which was exactly the condition of things which the hon. Member for East Surrey wished to bring into operation at the present time. Now, this law had been found so inconvenient that various private Acts had been passed for the purpose of what was called "disgavelling the lands," until, he believed, in the 31st of Henry VIII. a general statute was passed for disgavelling lands in Kent. He thought that was a most important circumstance, showing that at one time the very law which hon. Gentlemen wished to introduce now for the equal division of real property among the sons had in fact at one time existed.

Mr. LOCKE KING said, his Bill contemplated the division of all the property among all the children, not among all the sons only.

Sir F. THESIGER said, that then the hon. Member would excuse him for saying this only made his illustration the more forcible. There had, at all events, been a law contemplating, with respect to certain lands, their equal division among all the sons; that law had been accompanied with the power of devising; and it had been considered so detrimental and inconvenient that those lands had been disgavelled, and the law of primogeniture was applied to them as to the other lands of the country. He asked the House to pause and consider what the effect of such a measure as the present would be. The hon. Member for Manchester had told them what his objection was to the present state of the law—that he considered it highly inconvenient that large properties should be concentrated in particular families; and it was obvious, therefore, that he thought that in some degree the effect of the measure proposed by the hon. Member for East Surrey would be, that large properties would in process of time fail to be concentrated in single families. Would hon. Gentlemen take warning by past experience? In the reign of Queen Anne it was thought extremely desirable to diminish, if possible, the influence of the Roman Catholic aristocracy in Ireland; and what course was resorted to for that purpose? A law was passed by which, when a person died without a will, or died without having made any settlement of his property in his lifetime, his property was to be divided among all his sons; and that law prevailed until it was repealed in the Session of the 17 & 18 *Geo.* III., showing that this measure which the hon. Member for East Surrey proposed was one that was calculated to weaken the aristocracy of this country. He confessed he felt very strongly indeed in opposition to the measure which the hon. Member proposed. He said, "Why, there can be no harm in it;" at least, he (Sir F. Thesiger) had heard it said, "There can be no harm in it, because there is nothing in it to prevent a person from making a will by which he can obviate the distribution of his property." Now, he did not think it was a good course of legislation to pass laws because they could do no harm. He thought it was very desirable, where a mischief was to be remedied or an improvement was to be made, that a law for such a purpose should be passed; but he could not agree to such a principle as that which had been alluded to with regard to the law of succession. It was very true persons might obviate the operation of the law by disposing of their property by will, but if they did not, that which he thought an objectionable principle would come into operation, and they at once had an effect produced which, he agreed with his right hon. Friend, was contrary to the institutions of the country, was contrary to the laws, and was one which, as he had shown, had been considered prejudicial in the course of our history. He said it would be a most dangerous example if the Legislature were to give any countenance to a principle of a kind which had proved so highly detrimental. On the ground, therefore, that the measure was useless and mischievous, he should certainly vote in support of the Amendment of his right hon. Friend.

Mr. W. O. STANLEY said, he could bear testimony to the great inconvenience of small subdivisions of land. The hon. and learned Member, while speaking of gavelkind, did not mention that it had existed in Wales to such an extent, that at the present moment the evil of the subdivision of land was still felt, its fields often being divided into three or four plots of perhaps a quarter of an acre each, which prevented all improvements in farming and in the land. He did not see anything revolutionary in the Bill; but, believing if the principle were adopted it would have to be carried out to its full extent, he warned the House of the great inconvenience which, from his own knowledge of the effect of the practice in the Principality, it must result in. Not only would it break up large properties into small divisions, but it would equally apply to small farms of a few acres, which in the end would be subdivided in a manner productive of the greatest injury. He considered the small subdivision of lands in agricultural districts in France highly detrimental to the agricultural produce, and made France in a great degree dependent upon foreign lands. The hon. and learned Gentleman had so well met the Motion of the hon. Member for East Surrey, that he would not trouble the House further; but he should have thought it wrong, had he not mentioned to them the inconvenience suffered by subdivision of land in the Principality.

MR. PACKE said, the hon. Member for Manchester had mentioned the case of a poor man in the county of Hertford who was kept down, not being able to obtain land in consequence of the largeness of the properties. He (Mr. Packe) was a proprietor of land in that county, and had a tenant with considerable property who began in a very small way. The hon. Gentleman had also stated that the agricultural poor were unable to rise in the world in consequence of the law of primogeniture; but he assured him that there were several other instances in which persons had risen from the position of day labourers to be the occupants of farms. He would not argue the question as affecting elder sons, but entirely as affecting the poor man. No gentleman riding over the country from end to end would see otherwise than that in those parishes where land was in the hands of one individual the poor were better clothed, better housed, and better fed than in parishes where property was divided among ten or twelve different proprietors. The head of the family of the noble Lord the Member for Northumberland (Lord Lovaine) had laid out large sums in building cottages on his property and otherwise increasing the comfort of the labourers; what would be the effect, as regarded them, of that property being subdivided among a dozen or more persons? The same might be said with respect to the labourers on the estate of the noble Duke the brother of the noble Lord opposite (Lord John Russell), who had also done much to improve their condition, and took great interest in making them comfortable. Those plans could not have been carried out, if these estates had been divided into a great number of small properties in a great many different hands, and therefore the present measure could not be said to be one which would tend to improve the condition of the agricultural labourer. He should give his vote for the Amendment.

MR. INGHAM said that, although he intended to vote against the second reading of the Bill, he agreed with much that had been said by the hon. Member for Manchester and the hon. Member for Pontefract (Mr. M. Milnes). He admitted that nothing was more likely to foster a conservative feeling than the possession of property; but it must be recollected that the working classes of this country were not like the labouring population of France, where the land formed nearly the whole property of the working class. It was different in this country, where, if the labouring classes had not land, they had property of other kinds—many of them, who were artisans, possessed tools of considerable value — they had better furniture and many more comforts about them than those of the same class in France — and they disposed by will of the property which they were enabled to acquire. He did not think it, therefore, at all necessary, in order to an increase of conservative feeling among the labouring classes of England, that any compulsory division of landed property should be introduced, and he was sure that the labouring classes themselves would not wish it. He agreed with the hon. Member for Manchester, that it was undesirable there should be such an accumulation of property in the hands of a few persons as would prevent a prudent person from being able to rise; but, whatever might be the case in particular instances here and there, this was not the true characteristic of the state of landed property in England. There were many opportunities of which a prudent man might avail himself to rise, step by step, from labourer to hind, from hind to farmer, and from farming on a small scale to farming more extensively; and he knew that in the north of England many men had done it. He thought that the true corrective of any evil resulting from undue accumulation would be to restrain the peremptory destination of property from father to son by entail or settlement. They ought, in his opinion, to deal with land as they dealt with personal property, and to give to every man in possession the absolute power of disposing of it. He should have power to bring it into the market and sell it, or to dispose of it by will; and if he did dispose of it by will, his successor should have the same power as he had had himself. If he did not dispose of it, let the law step in and do so in the way in which the party himself would most probably have been inclined to do. The hon. Member for Manchester was anxious that the Legislature should do what the intestate ought to have done; whereas he (Mr. Ingham) was of opinion that they ought, as far as possible, to carry out what the intestate would have wished to do; and this, in fact, was the difference between them. When they should find that there was a general disposition, where the power of devise existed, to divide landed property in the way which was now suggested—and, as all wills were deposited in public registers, the tendency of public opinion could be exactly ascertained—he thought that the law might fairly step in and distribute the property of intestates in conformity with the general wish. At present, however, it did not seem to be the fact that landed property, when devised by will, usually took the direction which was contemplated by the present Bill; and he had reason to doubt whether the hon. Member for Manchester was right when he said that, whatever might be the sentiments of the higher classes upon the subject, the sentiments of the working classes were in favour of this principle of division. He had recently been reading the letters of the Baron de Stael, who, in the year 1820, paid a visit to the northern counties of this country. The Baron having explained to the pitmen that his own workpeople had land of their own, which they cultivated after they had done their day's labour for him, they (the pitmen) said they thought that that was a most desirable thing; but they asked what was done with their plots of land when they died? The Baron replied that they were divided amongst their children; and the pitmen's observation upon that was, that they thought the shares would not be worth having. The Baron added that the subject was discussed in the pitmen's clubs; and they all agreed that, while it would be a good thing for the working classes to have land of their own, it ought to descend to the eldest son. It was stated upon statistical returns, that the landed property of France was subdivided among 5,500,000 proprietors; and from the poverty of this class, the burdens to which it was subjected, and the variety of interests in which the property was involved, constant litigation arose. In his opinion, the time to make this alteration, if at all, would be when they had proof of a growing change in the sentiments of the people, and were assured, by the way in which they made their wills, that they really wished their landed property to go equally among their children.

Mr. HENLEY said, he agreed in the general principles laid down by the hon. Gentleman the Member for Stamford (Sir F. Thesiger). The class of persons who would be most affected by this Bill would not be the class above the lower class, for they generally disposed of their property by will, nor the higher class, who disposed of it almost invariably by settlement; but the persons who would be most affected by the present measure would unquestionably be the possessors of small cottages. There were a vast number of persons scattered through every county of England possessing small freeholds worth 20*l.*, 30*l.*, or 40*l.*, which had descended from father to son in uninterrupted succession in precisely the same manner as the largest estates in the country. That class of persons, from their position and circumstances, hardly ever made wills, or, if a will was considered necessary, it was generally made by some person who could write a little better than his neighbours, and was drawn in such a way as to be inoperative. The natural effect of the present measure would be, that such property would be subdivided, as the children could not all live in the same house together, which would be analogous to the practice in France, where it had been known that thirty-two persons had a right in a single tree, and, supposing each had two children, the tree would eventually be the property of sixty-four owners. How, then, could such a measure be applied, or what would be the tendency of it? The hon. Member for Manchester had said it would have a tendency to, what he termed, set free property, but he (Mr.

Henley) thought, so far from doing that, it would have a contrary effect. He believed that, if the House of Commons consented to pass the Bill now before them, persons would no longer leave to the chances of a will the settlement of their property; but rather, that it would induce those who desired to keep their property together to tie it up even more strongly than was done under the existing system. Now, just let them try and discover what were the actual feelings of the English people on this subject, or, at least, of that portion of them that had anything to do with land; and he was not now speaking of the great landed aristocrats of the country, but merely of the occupying tenants. Well, would any Gentleman, conversant with the habits of that class of persons, not admit that when a farmer died, the eldest son, with the full consent of the family, claimed succession to the tenancy? At all events, he himself had never known an instance where the family did not look upon the eldest son as naturally succeeding tenant to the property that had been occupied by the father. Now, that was no slight proof that that class of persons were in favour of the law as it at present stood; for otherwise, they would have wished to see a farm divided among the seven, eight, or ten children of the deceased, as the case might be. The only instance of inconvenience as arising from the existing law given by hon. Gentlemen who had spoken in favour of the Bill, was that offered by the hon. Member for Manchester. That hon. Gentleman had quoted to the House an instance of some man of industrious habits, who, being fortunate enough to amass sufficient money to buy a horse, and more fortunate still in getting some one to lend him a cart, was, however, unable to cap his good luck by getting any one that would lend him a small portion of land; and they were told that all this bad luck was to be attributed to a system which would prevent every cottage in the country from being split up into as many pieces as a man might have children or grandchildren. But he begged leave to deny altogether that the industious labourer had no opportunity of getting land; and that fact he was fully able to confirm from his own experience, for he happened to have upon his own estate two tenants who, from ordinary agricultural labourers, had become occupiers of land. Of course every one knew perfectly well that it was not always in the power of a man to obtain land in that particular locality which suited him best, but that was a difficulty by no means to be wondered at, for men could not build land as they could carts or carriages, when and where they might happen to wish. Really, the only just inconvenience urged against the present law, was that which might arise in such a case as that mentioned by the hon. Member for Manchester, where a person had made a will which had proved invalid, and whose family had in consequence been exposed to some hardship; but that was clearly an exceptional case, and it was the duty of every person who made a will to take care that it was valid. How often did it happen that a parent during his lifetime handed over to his children their fortunes? How often, again, did it happen that parents possessed children unworthy of being bequeathed any fortunes? Well, in such cases, supposing the father to die intestate, was his remaining property to be divided equally between those who had no claim on him, as already provided for, and those who had not yet obtained any provision? Now, those were views which he and hon. Gentlemen sitting on that (the Opposition) side of the House put forward, not merely as Conservatives anxious to retain the large landed aristocracy of the country, but as reasons for preventing the introduction into England of those mischiefs and inconveniences which had been described by an hon. Gentleman opposite as even now existing in Wales. If the object of this measure was to introduce the thin edge of the wedge, so as gradually to alter the whole law as to the succession to real property in this country, he could quite understand it; and though that was a project which no one, as yet, had openly avowed, he could not help concluding, from the exceedingly weak nature of the arguments in favour of a scheme which would operate most injuriously with regard to the class of persons to whom it would apply, that some such ulterior object as that must have influenced its introduction. He was very much surprised, indeed, to hear the hon. Member for Manchester speak on such a subject as this without adverting to its effect upon the lower class of freeholders. Now, he (Mr. Henley) confessed that he was glad to perceive that smaller subdivisions of land were every day taking place. Though it was unnecessary to go into the objects of this subdivision, still it was not to be denied that estates were being constantly purchased, so as to give the poor man an opportunity of possessing himself of small portions of land. But if that was true, they had here an additional room for not altering the law in such a manner as would prevent that poor man from keeping together after death that piece of land and that cottage which he had possibly procured at a great sacrifice. He would only say, then, that for himself he would give his most cordial support to the Amendment of his hon. Friend, while he hoped that some Member of the Government would rise and inform the House of the views entertained by Her Majesty's Ministers in reference to the original proposition.

Mr. DRUMMOND apprehended that his hon. Friend who had brought forward this Motion was not quite aware of its full scope and probable effect. Now his hon. Friend knew, and the House would remember, that he (Mr. Drummond) had troubled it with various propositions having for their object to encourage and facilitate the sale and transfer of land; and he was happy to say that Her Majesty's Ministers had been induced to take that subject up, and had issued a Commission which was under the direction of his right hon. Friend opposite (Mr. Walpole), and whose efforts he had no doubt would terminate in the public being afforded very much greater facilities for the purchase of land than they possessed at present. But that was a totally different arrangement from one which would either directly or indirectly compel persons to become owners of land. It would be a very great hardship to compel a man to become a mill-owner whether he liked it or not, and it would be a very great hardship to oblige persons who had no taste for agriculture, and who did not possess the knowledge necessary for conducting agricultural operations, to become owners of land. It was, as hon. Gentlemen would allow, no great secret that the knowledge necessary for conducting agricultural operations was not one communicated equally to all; just in the same manner every one was not so placed as to have attained that particular sort of knowledge that would fit him to be placed at the head of mill-operatives. Would it not then be a very great hardship if every honest, industrious man were obliged to become a mill-owner if he did not wish to be one? And, perhaps, it might be no lesser hardship if every worthy manufacturer were compelled to enter on the possession of land. But hon. Gentlemen were not left altogether to speculation upon this matter. They had only to observe calmly what had been done in a neighbouring country, towards which, when it suited their purpose, some hon. Members were very fond of directing our eyes, and consider what had been brought about there, not during one of the revolutionary paroxysms so often experienced in that country, but during the slow process of a long and systematic course of operations. More than two centuries ago it was the policy of the sovereigns of France to break down landed property, because they feared its power against themselves. That end was completely effected during the reign of the Emperor Napoleon. He perfectly well remembered that, when he (Mr. Drummond) visited France during the reign of Louis XVIII., the Chamber of Peers seemed to be unanimous in favour of the existing law for the subdivision of land; but, certainly, whether they were or not, the women, at least such of them as were mothers, were so determined on the subject that it would have been utterly impossible to have effected any change in law. Well, but what subsequently occurred? Why, the very last time he saw M. Lafitte—and he remembered the occasion particularly well, because his hon. Friend the Member for Montrose (Mr. Hume) was present, and had been endeavouring to enlighten M. Lafitte on the subject of the malt tax—but on that occasion M. Lafitte, while speaking upon several economical questions, gave him (Mr. Drummond), as the result of his conviction, that the great subdivision of land was the cause of the ruin of France. He could produce himself some very remarkable instances of the consequences of the French system, which had passed under his own observation; for he was in the habit of paying very frequent visits to France, and whenever he did so he went into the country districts, where he saw the farmers engaged at their day's work, and witnessed everything that took place. Now, he had seen a farmer with 300 acres of land—part of it his own, parts of it belonging to others, but not three acres of it joined in any one place. And in consequence of the law being such as it was, a farmer who had four sons and two daughters, knowing very well that at his death his property must be divided, there was no such thing as a homestead or a farmhouse on the land—a homestead would be too large for the owner of one-sixth portion of the land; and therefore it happened, that throughout the north of France homesteads and farmhouses of all kinds had completely disappeared— [Mr. BRIGHT: Surely the hospital lands were not confiscated.] Now, do not be in a hurry. He was going on to say—except in the case of the hospitals, whose lands were excepted from confiscation at the period of the Revolution. In such cases the lands were still held in large allotments, there certainly were to be found good and sufficient farmhouses and good cultivation—though nowhere else. To such an extent had this subdivision gone, that instances were known where a possessor of land was the proprietor only of a single *sillon*, or furrow. Now the result of that system would end in the result foretold by Burke—that all the land in the country would fall into the hand of the Crown, because the owners would be obliged to abandon these small holdings, rather than continue to pay the burdensome taxes. At the present moment the Government would not trust the occupiers of land for more than one month's taxes, and the taxes were collected twelve times a year. But a still stronger argument against the French system had come to light during the reign of Louis Philippe. At that time a great complaint was made by a certain commune that the conscription fell more heavily upon them than upon any other place: the fact being, as he (Mr. Drummond) believed, that upwards of forty per cent of the population of the district were returned as unfit for service. Now, it was very well known that during the last war the proportion of our population returned as unfit for service was very much less than that of France, the numbers being as about five to eight; and that unfitness was generally ascribable in this country to those accidents to which young men were liable during early life, or while at school. The French Government issued a Commission to investigate the causes of the extraordinary disproportion, and it then appeared that the people had become ricketty, in consequence of the badness of their diet—that they had wholly ceased from living upon animal food—that they did not even eat cereals, but lived almost entirely upon roots. He might mention another startling fact. Before the French Revolution, France of herself was in a position to supply her armies with horses; since then, however, France had been obliged to purchase annually 40,000 horses in other countries, there being no possibility of raising them in the country itself. And then, again, they had another remarkable proof of the dearth produced in the agricultural districts of France by her legal system, in the total want of stock. There was scarcely any stock kept in any quarter of the country; and though the land was usually more fertile than in England, nevertheless, he did not believe that an acre of land there produced more than one-half of what it did in England; so that it was utterly impossible to maintain stock upon it. [Mr. BRIGHT: No, no.] He would give the hon. Gentleman the necessary references, and he might go and ascertain the fact for himself. Well, in addition to all that, there was the statement of our new ally, the Emperor of the French, who had certainly proved himself one of the cleverest men in Europe. Now, the French Emperor had drawn a remarkable parallel between the effects of the division of land taken on a great scale in the Germanic and Frank divisions of the world—the Frank principle being to keep the land as much as possible together, while the Germanic principle, on the contrary, was to break it up; and he said that there was no such thing as a Germanic nation or body; but that until very lately, there had been a French one to some purpose, though it was now being broken up by that subdivision of the soil. His (Mr. Drummond's) firm belief was, that a community in land meant a community in pauperism, and nothing else.

MR. BOUVERIE said, that, in France, property, in all cases of succession, was, by law, compulsorily divided. He thought that arguments drawn from the state of things in a country where land was thus divided arbitrarily, without regard to the will of the late owner, could not have much force against a Bill which merely proposed an equal division of land in any case where the previous holder had expressed no wish to the contrary. He did not believe that that great subdivision of the land which had been asserted by his right hon. Friend the Member for Oxfordshire (Mr. Henley) as likely to arise, would be caused by any such measure as that now under consideration. Nor was that a matter of speculation. Within a few miles of the very place where he stood there was a large and populous county where the common law was, that in cases of intestacy the land should be divided. [Sir F. THESIGER: That is according to the law of gavelkind.] Yes. But being connected with the county of Kent himself, he was prepared to assert that the law of gavelkind was the common law of the county. By the common law of the county of Kent, in cases of intestacy the lands were divided among all the children of the deceased, and he believed it could not be shown that even in the county of Kent there was any more subdivision of land than existed in other parts of the kingdom. He had not been present throughout the discussion that morning, but since he entered the House nearly everything that he had heard had been quite irrelevant. The real question before the House was, should they act justly or unjustly in the disposition of property which had not been dealt with by the owner? He was one of those, however, who thought that the House of Commons was not very likely to take a just view on such a question as the present, as hon. Gentlemen were not very much concerned in its solution. Such a thing as succession from intestacy to the ownership of land occurred seldom, if ever, in the upper classes of society; and he must say he thought it greatly to the advantage of the country that the younger sons of families who possessed large property in land should be sent forth to fight their way in the world, and to establish themselves, as many had done, in a position often, at least, equal to that of their fathers. It was a remarkable circumstance in the history of the country that all the greatest men which she had produced were younger sons. Thus Bacon was a younger son—Clarendon was a younger son, so were Walpole, Godolphin, and Marlborough, and Wellington; both the Foxes were younger sons, so were both the Pitts, so were also Burke and Erskine. His noble Friend the Member for London (Lord John Russell) was a younger son; and so was his right hon. Friend below him (Mr. Gladstone). On this subject, he remembered a story which was told of Lord Buchan, the elder brother of the great Lord Erskine, who, happening one day to meet a friend, said to him, "Why, sir, the eminence of my brother is entirely owing to me." "How is that?" said the friend; "I did not know you had anything to do with him." "On the contrary, sir," said the brother, "I was the making of him; for when he was a young man he asked me to give him a small allowance to enable him to live as a gentleman, and I said I would not give him a single farthing; and the consequence is he has risen to eminence." With regard to the upper classes, in all cases where settlements had been made, the present law then worked perfectly satisfactorily, and was productive of very great advantage to the country; but the question was, where there were no settlements—where the owner of landed property died without a will—was it just that one alone of the children of the owner should take the whole, and the remainder be left without a single farthing? And the artificial rules of our laws made matters a great deal worse; for in cases of intestacy not only did one member take the whole of the land, but if there was a mortgage upon the land, and there was enough personal property left to pay off that mortgage, the whole of the personalty, instead of being divided amongst the widow and the children, could be swept off by the heir and applied to the payment of the mortgage. It was all very well to say men could provide against the consequence of this measure by making their wills; but it was perfectly notorious that a very great prejudice existed against making wills, which induced men to postpone that duty. There was scarcely an attorney throughout the country that could not point out cases of the greatest hardship and suffering arising from the occasional operation of the law as it stood. If, then, such a grievance existed, ought they not to consider whether or not the present law was just? He thought that no other rule was justified with regard to the appropriation of property, when the owner had not expressed any opinion on the subject, than the policy of division. Such was the rule in the courts, the rule of justice—that equality is equity. Some Gentlemen might anticipate evil consequences, political and social, from such an arrangement, but in America, where the rule of equal division of property in case of intestacy existed, they did not find any such evil consequences had resulted. He could assure the House that he himself had no interest in the matter, for, though a younger son, he did not believe he had any chance of coming in for property through intestacy. He was, however, firmly convinced that, if the House would but consent to alter the law as proposed, they would do much—to use a coarse metaphorical expression which had been used on another subject by a great man now no more—"to sweeten the breath" of families, and put an end to those bickerings and bad feelings that so often subsisted between the nearest relations. For these reasons he would give the measure of his hon. Friend the most hearty support; and he hoped, if the House would not pass the Bill now, that they might all live to see the day when it would feel necessitated to do so.

LORD JOHN RUSSELL: Sir, although it is perfectly true, as my hon. Friend has told the House, that I am a younger son—and I am by no means disposed to dispute the panegyric he has passed upon younger sons in general—yet I am afraid I cannot promise him that I shall vote for the measure now before us. With respect to the Bill itself, I do not think my hon. Friend has argued the question quite fairly in confining himself to the particular merits of the measure itself. There are two questions which have to be considered—first, the merits of the Bill itself, if the principle on which it is founded is not to be carried any further; and, second, the principle itself involved in the Bill, which I think has been very candidly admitted by those who have spoken in its favour. With respect to the provisions necessary for cases of intestacy, I agree very much with an hon. Friend of mine who spoke from the back benches, that the law ought in this respect to conform as much as possible to the general rule which prevails in families; that it ought, if you generally find that the possessors of land, rich or poor, leave their land to their eldest sons, to adopt that rule in a case of intestacy; that it ought, if, on the contrary, you find it to be the general custom of persons having land in their possession to leave that land equally among their children, to adopt that rule, and do for the parents what they would probably have done for themselves; that, in short, the rule of law should conform to what appears to be the rule with ordinary testators. With respect, however, to the general fact, we all know that, generally speaking, land is left to the eldest son, and left in accordance with the liberty of action which is possessed more in this country than any other country of the world, in respect of bequeathing landed property by will. Nor can I, Sir, admit the argument which has been used, not only during the present discussion, but likewise on the occasion of the introduction of the measure—that it is merely a feudal notion—an obsolete notion—that there is no difference between the case of land and money, and that if it be the custom to distribute money amongst several, so it should be the custom to distribute land. I cannot see the force or analogy of that argument; for there appears to me to be the greatest difference between the two descriptions of property. Supposing a man to have 100*l*., and to leave that, 10*l*. a-piece, amongst ten sons, the State was not prejudiced by his so doing—the State is not interested in the distribution. But if that property of 100*l*. is in land, and if that 100*l*. worth of land were to be divided amongst ten sons, the case is altogether changed, for it is evident that very different consequences would follow—that the property could not be managed as it had been, and that the State might, therefore, become a sufferer by this mode of distribution of the property. I cannot, then, admit that we must apply the same principle to money and land. Now, we have been told by the hon. Member for Manchester and others, that cases of very great hardship often arise under the present law; I own, however, I cannot conceive a case in which you ought to change the general view of the law because of a particular case of hardship; nor can I see, if you do decide upon changing the law, that you would thereby avoid all cases of hardship. Thus, suppose the case of a man who has three sons, and but a small property. Perhaps, by great exertion, and by disposing of a portion of that property, he contrives, after spending a great deal of money on his education, to have one of them brought up to the bar; for another, by a large outlay of his money, he procures a commission in the army; so that, when the father died, it might happen that the eldest brother, though inheriting a small landed estate, might not be as rich a man as the soldier or the lawyer, the former of whom might have risen to be a general, and the other have attained the dignity of a judge. Would it be fair in such a case—the father having made that sacrifice for the younger sons, and placed them in situations that had become lucrative—would it be fair to say that they should come in at his death, and share the landed property left, in case the father died intestate? And that is a contingency, be it remembered, which might happen to any person, owing to any of those accidents to which the life of man is liable—even to those who might have the strongest intention, though that intention had not, perhaps, been put in execution, of providing against such an occurrence. The right hon. Gentleman opposite (Mr. Henley) had argued, and, he thought, justly, that this Bill might have a very serious effect with regard to persons possessing very small properties. There were persons who could not produce any actual instrument showing their title to the property they held. He recollected, at an election in Devonshire, seeing a small freeholder very indignant when asked by the polling-clerk if he had had his freehold more than a year. "More than a year!" he said, "ever since William the Conqueror." In the same category was the cottage into which William Rufus was taken, in the New Forest, which was said to be now in the possession of a descendant of the then possessor. There were numerous cases of this kind in which three or four younger brothers might come to the eldest and say, "Prove to us that you have a will under which you succeed: if you cannot, it is a case of intestacy, and we will proceed in a court of law to obtain our property." A poor and ignorant labourer thus addressed would find it very difficult to assert his right. For my part, I confess it seems to me that, supposing the case of three or four younger brothers, who did not possess the merits of Lord Erskine, but, on the contrary, were rather idle and opposed to work, it would not be very politic for this House to decide that such persons, in the case of their father dying intestate, should be entitled to share the property equally with their brother. Every Member who had supported the Bill, while he said it only applied to particular cases, went on to argue for very much more. I wish now to refer to what was stated by the hon. Member for Manchester—namely, to the case of hardship arising where the land comes to the eldest son, and the personalty in case of intestacy being applied to the payment of mortgages, the widow and younger children are thus left totally unprovided for. But if that hardship was caused by the provisions of the present law, let it be remedied by a particular Bill applicable to all such cases of mortgage—and though I do not pledge myself that such a Bill would be a just one, still it would raise an entirely different question from that now under consideration. Now my hon. Friend (Mr. Bouverie) and other hon. Gentlemen have argued this question upon general principles, and have asked, are we prepared to do what is equitable, or continue to inflict hardships and injustice? But if you once declare that in cases of intestacy to exclude the younger sons from any participation in the landed property of their father is an injustice, what a platform you immediately raise for altering the whole law of succession. You declare at once that, although you do not for the present think fit to interfere with the disposition of property according to the will of a testator, giving his landed property to his eldest son, you consider that he thereby commits an injustice, and that such a disposition of his property is a wrongful one. Now, Sir, why ought you to come to any such conclusion of the kind—for I must consider what my hon. Friend (Mr. Bouverie) says I have no business to consider, but which I am, nevertheless, forced to consider. Is it, then, so unjust that the landed property should be given to the eldest son, to the exclusion of his brothers? Then I come to consider what is for the interest of the State, what is for the interest of the community, and accordingly I cannot shut my eyes to all those consequences which the hon. Member for West Surrey (Mr. Drummond) has pointed out—to those consequences which have taken place in France and in some parts of Wales, where there has been a great subdivision of land. I find that Mr. M'Culloch says—though I do not take his figures as conclusive—but he says that while in England one-third of the population cultivates the land in a very superior manner—in France two-thirds of the population cultivate it in a very inferior manner; and, as a consequence, that in England far more capital and a far greater number of the population are available for the pursuits of commerce and manufactures. Well, if all that is true, I believe there would be a great impolicy in any law that would lead to a subdivision of the landed property. The intention of this Bill, as avowed by its supporters, is to declare that the present disposition of landed property is unjust, and ought, at least so far as the law can effect it, to be abolished. My belief, Sir, on the contrary, is, that the greater subdivision of the landed property of this country would be most mischievous and injurious; and we have the effects of such an arrangement to study in the case of a neighbouring country. We have the facts before our eyes that have been produced within the last fifty or sixty years in France; and, as I am not prepared to encounter similar consequences on this side of the Channel, I am decided on voting against the Bill now before us.

MR. V. SCULLY thought the House was rather premature in entering on the question at present. He himself could discover many reasons why landed property should descend to eldest sons and why it should not in certain other cases. He believed, however, that they ought first to have provided greater facilities for the transfer and sale of landed property, though he should vote for the Bill, being in favour of one of its provisions—namely, that which declared that in all cases of intestacy landed estate, as well as every other species of property, should go through the hands of the administrator, and be taken only on condition that it was subject to the debts of the testator.

MR. PHINN said, he had placed his name upon the back of the Bill without the slightest conception that its consideration would have been so ramified. He considered that the simple proposal of this Bill was, that the State should adopt the principle that land and personalty should be placed on the same footing, and that there should be the same justice and equity for both. He had often heard it said that lawyers were the great obstacle in that House to legal reforms. He wished, at all events, as far as he was personally concerned, to disprove the truth of that allegation. It had been said that this Bill proposed to abolish the law of primogeniture. His answer was, that, practically speaking, the law of primogeniture was not in existence in this country, for at this moment a man might devise his freehold land as he pleased. He thought that this Bill was a step in the right direction.

MR. DISRAELI said, he did not wish to misrepresent the motives of the learned Gentleman who had just addressed the House;—that learned Gentleman was a distinguished lawyer, and, as a lawyer, he said that he felt bound to support the Bill which proposed to alter the existing law, and to remove difficulties and inconveniences which on both sides of the House were admitted. So far as he (Mr. Disraeli) could form an opinion upon the question, it was his belief, that if this measure became law, it would very much conduce to the interest of lawyers. He could not persuade himself, so far as he could form an opinion of the Bill, but that the hon. Gentleman who had introduced the measure to the House, and who had supported it with such zeal and disinterestedness, would materially injure himself in his future prospects if he succeeded in his object. He was, however, not disposed himself to alter the law of England in order to meet what, after all, was an exceptional case. He thought, generally speaking, that this was a safe principle to guide the House in their efforts to legislate for admitted evils. It appeared to him that this Bill would materially interfere with a principle upon which the whole of our social system was established. He did not collect from the hon. Member for Manchester (Mr. Bright), in the remarks he made in support of the Bill, that the instances of grievance and inconvenience to which he described certain of Her Majesty's subjects as suffering were at all ascribable to the existing law; nor could he see how the alteration suggested would meet the grievance of the labouring man in the county of Hertford, whose case had been so prominently brought forward. The hon. Member said, a labouring man, industrious and intelligent, is unable to rise in the county of Hertford, because there are no small farms, and the property consisting principally of parks, he is prevented from obtaining fifteen acres of land. Now he (Mr. Disraeli) would remind the hon. Member that the size of farms in this country did not depend upon the tenure of land. Although the whole of the county of Hertford might be parcelled out in large estates—which was really not the case—but even if it were so, there were still sufficient facilities for any man who was able and was so disposed to obtain a farm of fifteen acres to cultivate. But he (Mr. Disraeli) did not see how that argument at all bore upon the point before the House. He repeated, that the size of farms did not depend upon the tenure of land. He knew of an instance in the north of England, in which, in one of the largest estates in England, belonging to a nobleman, there was no farm so large as 300 acres; and the greater number of farms in that county were let at rents varying from 50*l.* to 150*l.* per annum. That estate supported one of the largest bodies of tenantry in the kingdom; and he contended, that an industrious man might, if he pleased, obtain any one of the small farms scattered over the country with facility. But even if any difficulties did exist to his attainment of such an object, they would not certainly be removed by this Bill, or by any subsequent legislation which the passing of this measure might sanction. He thought that many of the observations made by hon. Members in support of this Bill were founded upon false notions; and, although the noble Lord had to a certain degree replied to those observations, they had not, he (Mr. Disraeli) thought, been sufficiently dwelt upon. It might be the opinion of some hon. Gentlemen that there ought not to be any difference in the law between real and personal property. That was in itself a fair subject for discussion. He confessed that he himself had a very strong opinion upon it. He thought that there ought to be a difference recognised between real and personal property. But one thing was quite clear—that the law of England does acknowledge such a difference. The whole of our social system was built upon that difference, and the institutions of this country mainly depended upon the recognition of that principle. The difference depended upon many reasons; but there was one of the many reasons which should not be forgotten. The tenure of real property—the tenure of land—in this country was invested with many and important duties. If, then, they chose to invest real property with the performance of important duties, they immediately marked it out as different from other property which was exempt from the performance of such duties. It was impossible not to see that in this country there was a difference between landed and personal property. In the first place, one of the Houses of Parliament was founded mainly, if not entirely, upon property in land. In the second, the administration of justice in this country was mainly dependent upon the land. Even the defences of the country were in a great degree dependent upon the land. He should like to know how the country could have raised 100,000 men for the militia within the last twelve months, as we had done, if we had not enjoyed that territorial constitution which he had heard so often sneered at. It was, no doubt, much more convenient to argue this question without reference to other countries; but we should not be profiting by the experience of our fellow-men if we were not more or less influenced by the example which the present condition of the world afforded to us. The tenure of land in France had for a very long time engaged the attention of grave politicians. Great political consequences had resulted from the changes in that tenure. The hon. Member for Pomfret (Mr. M. Milnes) had told the House that there were in France 5,500,000 proprietors of land, and that they were essentially conservative. He was not going to question that assertion; or that it was to their influence that France and the world were indebted for the able government which at present existed in that country. There were, however, some things to be valued besides peace and order. France might now boast that it was through the influence of that numerous and conservative proprietary she was now governed by that eminent man, who had been summoned, upon an emergency and at a time of public disturbance, to establish order—that he had succeeded in this object, and that he was now exercising the power with which he had been invested with great moderation, infinite prudence, and distinguished ability. He did not mean for a moment to deny this, but he would repeat his observation, that there was something besides peace and order for the English Parliament and the English people to consider. He wanted to know whether there was not such a thing as public liberty also to be considered? He wanted to know, also, how that public liberty was to be maintained in an ancient and European country, unless we had large landed properties to rally round? In his opinion this country had been mainly indebted to the tenure of land for the freedom it enjoyed. He believed that tenure to be one of the main causes, not only of the freedom which the country enjoyed, but of the order which was combined with that freedom. Slight as the subject now before the House might appear, it necessarily led to the consideration of the tenure of land, and, if pursued in the spirit in which it had been brought forward, it might lead to great alterations in that tenure, and these alterations would necessitate a considerable partition. Believing that that partition of land would be injurious to the character of the country—to the order and liberty combined which the country at present enjoyed—and that it would tend to lower the position of England altogether, he must give the Bill his decided opposition, looking to it as the first step in a series of changes the result of which would be injurious to the interests of the whole community.

Mr. LOCKE KING, in reply, said the objections to the Bill were chiefly founded upon prejudice and not upon fact. He felt confident that the measure was just in itself, and that sooner or later the noble Lord would accept the proposition in the same way that he adopted the suggestion for the extension of the franchise in counties. The case of France was quite distinct from that of this country, for in

France the law was compulsory, and a person had only a limited power in making his will. His Bill would only work in cases of intestacy. He would put it to the opponents of the Bill whether, in the event of a person possessed entirely of landed property dying without a will, it would not be better that there should be comparatively a little suffering on the part of the eldest child—his suffering consisting of his only sharing equally with his brothers and sisters—rather than that all the rest of the family should be left destitute and become beggars. The measure would not in any way interfere with the powers and privileges of any person, because a man would still have the power of making a disposition of his property. It would not in any way affect the owners of great estates, because they were generally so settled that it was of little consequence whether the possessor executed a will or not; but such a measure would confer most important benefits on the middle classes. He did not think it was at all likely that the effect of his Bill would be to divide the land into small portions; and if it did, he did not see that any inconvenient results would follow the division; for if it should be a small property the good sense of a family would direct it to be sold in the same way as a leasehold house was disposed of, and the amount realised would then be divided amongst them. This measure had been described by Lord Campbell as insidious, and as having a tendency to endanger the House of Lords. He regretted to find so eminent a Judge describing an act of justice as insidious, and still more that it should be considered dangerous to the House of Lords—because that was an admission that the House of Lords was supported by injustice. Lord Brougham, too, had thought proper to abuse his proposal, although, in 1846, that noble and learned Lord published a pamphlet in which he condemned the law of primogeniture, and spoke of the law of entail as an abuse of that law. It should be remembered that we lived in democratic times, and that it would no longer do to legislate for a few families or a few members of families. He was surprised, too, that the Government should oppose the Bill, after they had sanctioned its principle by applying the probate duty to land. He trusted the present system would no longer be upheld by prejudice, as it had ceased to be upheld by argument. It was said that the system gave great support to the Government of the country; but the Government must look for support elsewhere, and this they could obtain only by giving equal laws and justice to all classes.

Question put, "That the word 'now' stand part of the question."

The House *divided*:—Ayes 82; Noes 203: Majority 121.

List of the AYES.

Adair, H. E.
Alcock, T.
Anderson, Sir J.
Barnes, T.
Bass, M. T.
Bell, J.
Biggs, W.
Bouverie, hon. E. P.
Brady, J.
Brotherton, J.
Butler, C. S.
Challis, Mr. Ald.
Chambers, M.
Cobden, R.
Cowan, C.
Craufurd, E. H. J.
Crossley, F.
Devereux, J. T.
Duffy, C. G.
Duncan, G.
Duncombe, T.
Dunlop, A. M.
Evans, Sir De L.
Fagan, W.
Feilden, M. J.
Fergus, J.
Ferguson, J.
Fitzgerald, J. D.
Forster, C.
Fox, W. J.
Goderich, Visct.
Goodman, Sir G.
Greene, J.
Gregson, S.
Hadfield, G.
Hall, Sir B.
Hastie, A.
Heywood, J.
Heyworth, L.
Hutchins, E. J.
Hutt, W.
Kennedy, T.
Kershaw, J.
Langton, H. G.
Laslett, W.
Lee, W.
Lucas, F.
M'Cann, J.
Maguire, J. F.
Massey, W. N.
Miall, E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Morris, D.
Murrough, J. P.
O'Connell, J.
Pechell, Sir G. B.
Pellatt, A.
Phinn, T.
Pilkington, J.
Potter, R.
Power, N.
Ricardo, J. L.
Richardson, J. J.
Robartes, T. J. A.
Roebuck, J. A.
Scholefield, W.
Scobell, Capt.
Scully, F.
Scully, V.
Shafto, R. D.
Shelley, Sir J. V.
Smith, J. B.
Strickland, Sir G.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Walmsley, Sir J.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.

TELLERS.
King, P. J. L.
Bright, J.

List of the NOES.

Acland, Sir T. D.
A'Court, C. H. W.
Arbuthnott, hon. Gen.
Arkwright, G.
Ball, E.
Bankes, rt. hon. G.
Baring, rt. hn. Sir F. T.
Bentinck, G. W. P.
Berkeley, C. L. G.
Blair, Col.
Boldero, Col.
Booth, Sir R. G.
Bramston, T. W.
Brockman, E. D.
Buck, L. W.
Buckley, Gen.
Butt, G. M.
Byng, hon. G. H. C.
Campbell, Sir A. I.
Castlerosse, Visct.
Cavendish, hon. G.
Cayley, E. S.
Chaplin, W. J.
Child, S.
Cholmondeley, Lord H.
Clifford, H. M.
Clinton, Lord C. P.
Cobbold, J. C.

Cockburn, Sir A. J. E.
Cocks, T. S.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Crowder, R. B.
Dalkeith, Earl of
Dalrymple, Visct.
Davies, D. A. S.
Davison, R.
Dent, J. D.
Dering, Sir E.
Disraeli, rt. hon. B.
Divett, E.
Drummond, H.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Dundas, G.
Dundas, F.
Dunne, Col.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Elcho, Lord
Elliot, hon. J. E.
Emlyn, Visct.
Evelyn, W. J.
Ferguson, Sir R.
Fitzgerald, W. R. S.
Fitzwilliam, hon. G. W.
Forbes, W.
Forster, J.
Fortescue, C. S.
Freestun, Col.
French, F.
Frewen, C. H.
Fuller, A. E.
Gladstone, rt. hon. W.
Gladstone, Capt.
Goddard, A. L.
Gooch, Sir E. S.
Goold, W.
Gore, W. O.
Goulburn, rt. hon. H.
Grace, O. D. G.
Graham, Lord M. W.
Greaves, E.
Greene, T.
Grogan, E.
Halford, Sir H.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Hankey, T.
Harcourt, Col.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcote, Sir G. J.
Heathcote, G. H.
Heathcote, Sir W.
Heneage, G. F.
Henley, rt. hon. J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Herbert, Sir T.
Hervey, Lord A.
Hildyard, R. C.
Horsfall, T. B.
Hughes, W. B.
Hume, W. F.
Ingham, R.
Irton, S.
Jermyn, Earl
Johnstone, J.
Jolliffe, Sir W. G. H.
Kendall, N.
Keogh, W.
Knatchbull, W. F.
Knox, hon. W. S.
Langston, J. H.
Langton, W. G.
Lennox, Lord A. F.
Lewis, rt. hon. Sir T. F.
Liddell, H. G.
Liddell, hon. H. T.
Lisburne, Earl of
Lockhart, A. E.
Lockhart, W.
Lovaine, Lord
Lowther, Capt.
Luce, T.
Lytton, Sir G. E. L. B.
Macartney, G.
Mackie, J.
Mackinnon, W. A.
MacGregor, J.
Maddock, Sir H.
Mandeville, Visct.
Manners, Lord J.
Matheson, A.
Maule, hon. Col.
Milner, W. M. E.
Michell, W.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moody, C. A.
Mostyn, hon. E. M. L.
Mowbray, J. R.
Mulgrave, Earl of
Mundy, W.
Napier, rt. hon. J.
Norreys, Lord
North, Col.
Oakes, J. H. P.
O'Connell, D.
Ossulston, Lord
Otway, A. J.
Packe, C. W.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Peel, Col.
Percy, hon. J. W.
Portal, M.
Powlett, Lord W.
Price, Sir R.
Pugh, D.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Robertson, P. F.
Rushout, Col.
Russell, Lord J.
Sawle, C. B. G.
Scott, hon. F.
Seymer, H. K.
Seymour, Lord
Sibthorp, Col.
Smijth, Sir W.
Smollett, A.
Sotheron, T. H. S.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stanley, hon. W. O.
Starkie, Le G. N.
Stirling, W.
Taylor, Col.
Vance, J.
Vernon, G. E. H.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Walter, J.
Watkins, Col. L.
Wells, W.
West, F. R.
Whatman, J.
Whitbread, S.
Whitmore, H.
Wickham, H. W.
Willoughby, Sir H.
Wilson, J.
Winnington, Sir T. E.
Wise, A.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wyndham, Gen.
Wynne, W. W. E.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Thesiger, Sir F.
Pakington, Sir J.

Words *added;* Main question, as amended, put, and *agreed to.*

Second reading *put off* for six months.

ABSCONDING DEBTORS (IRELAND) BILL.

Order for Second Reading read.

MR. DAVISON, in moving the second reading of this Bill, said that the object of it was to give facilities to creditors upon making their affidavits to recover their claims against absconding debtors. Power was also given to the debtor, in a case of disputed claim, to put in bail, and to have the matter tried before the ordinary tribunals of the country. The measure was similar to the one that had passed for England. He believed that the Government was favourable to the passing of the Bill, and that there would be no opposition offered to it.

Motion made and Question proposed, "That the Bill be now read a Second Time."

MR. KEOGH said, that the hon. Member for Belfast had mentioned the subject to him, and he saw no objection to the principle of the Bill, and he thought it a measure that ought to receive general assent. There might be some objections urged against the details, which of course could be discussed in Committee.

MR. J. O'CONNELL recommended the hon. Member for Belfast not to press it forward at that advanced hour of the day, as it was impossible it could pass before six o'clock, there being considerable opposition to it, for, notwithstanding what the hon. and learned Gentleman had said, in many parts of Ireland there existed a great disapprobation of it.

MR. BRADY said, that he had many objections to the Bill. Although he agreed in the general principle of it, he thought that there were clauses in it which might be brought to work most injuriously upon a country like Ireland. He could understand how a large commercial community like what they had in England should regard such a measure with favour; but in Ireland the case was altogether different. In the large towns in England, such as London, Bristol, Liverpool, and Manchester, no one knew his neighbour; but in Ireland the circumstances of every man were known or might be easily ascertained. Great political excitement often prevailed in Ireland, and he saw by this Bill, that it might be converted into a dangerous political instrument at such a moment. But that was not the reason why he opposed this Bill; he opposed it because in one of its clauses it provided that an individual alleged to be a debtor, and about to abscond, might be arrested under a warrant, and that, having been kept in prison for a period of three or four days, he might then be discharged from custody if the other provisions of the law had not been carried out by the supposed creditor. Now he was not an advocate for the cause of absconding debtors; but under this Bill an innocent individual might be arrested and imprisoned for three or four days, and when discharged after suffering all this inconvenience he had no sufficient remedy against the wrong-doer. He had no remedy, except by a civil process—he could either take an action for damages, or proceed by a criminal prosecution against the plaintiff in the first instance. Now, a man about to leave for Australia might be most unjustly arrested and imprisoned; he would be compelled either to lose his passage to Australia in order to obtain legal compensation for the injury that was done to him, or to submit to the injustice. He thought that proper protection ought to be given to all persons, and that the man who applied for a warrant ought to be obliged in the first instance to enter into a bond for twice the amount of his claim as a guarantee of the *bonâ fide* nature of his proceedings. He was anxious to protect the fair creditor as well as the debtor, but being the advocate of human liberty he could not assent to the passing of a measure which might be made the instrument of injustice and of the gratification of political or personal revenge. He begged to move that the Bill be read a second time on that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. LUCAS observed, that no statement had been made to the House in proof of the insufficiency of the existing law in Ireland, and to show the necessity of the present measure. That measure came before them under very peculiar circumstances. Originally it was the Bill of the right hon. Gentleman the Member for the University of Dublin (Mr. Napier), but it now appeared as the Bill of the hon. Member for Belfast (Mr. Davison). Originally, he believed it formed part of the scheme of land reform, but now it came before the House as a measure peculiarly interesting to the commercial community of Ireland. He (Mr. Lucas) believed it was intended to operate more upon the agricultural than upon the commercial classes, and, looking at it in that light, he must offer very great objection to the Bill. All legislation with respect to the tenant had, as far as this House was concerned, been suspended until, at all events, the end of the Session; but now there came before them a Bill giving additional power to the landlord to recover his rents. He believed that no such powers as those sought to be conferred by the Bill were necessary.

MR. NAPIER denied that this measure had anything whatever to do with the Landlord and Tenant Bills. It had been brought forward last Session, at the instance of the Chambers of Commerce at Dublin and Belfast, which had spoken strongly as to the necessity of some change in the existing law, and of the advantage that would accrue to the commercial interest of Ireland, from having the law in that country assimilated to the law which existed in England; and, as there were a good many English creditors in Ireland, he thought that they had as much reason for having effectual redress against their debtors in that country as they had in England. The Bill had been submitted to some of the Judges, as well as to persons conversant with Ireland, all of whom substantially approved it: in consequence, however, of the pressure of public business, and the difficulty of carrying it through Parliament on that occasion, a postponement was determined on. The machinery of the Bill was the same as that which was in operation here, and he trusted the measure would receive the sanction of the House.

Mr. J. D. FITZGERALD, having no sympathy with absconding debtors, whether they belonged to the agricultural or to the manufacturing classes, would support the principles of this Bill, and give his vote for the second reading. The Bill was merely a rescript of the law now in force in England.

Mr. M. CHAMBERS feared, from what he could gather from the Bill, that it was intended to make the law, as regarded the arrest of debtors, much more strict in Ireland than in England. There was no law in England which enabled a creditor to go before a mayor of a corporation or a commissioner of bankruptcy, and, by making affidavit that he believed his debtor was about to abscond, obtain an order for his arrest. On the contrary, he was obliged to make an affidavit before one of the Judges of the Superior Courts, before he could obtain such a warrant. He did not think that it was necessary to increase the power of arresting debtors, even upon a writ of judgment, far less upon mesne process; as, by doing so, facility would be afforded for making away with persons at election times by means of false affidavits. He objected, also, to put it within the power of Commissioners or other persons —perhaps not properly qualified—to give their opinion as to the merits of the cause which a creditor might have for believing that his debtor was about to abscond; for it was very frequently found to be a most critical question to decide what was sufficient probable cause to justify a Judge in making an order for arrest. The principle of the measure appeared to him to delegate power to persons who might be incompetent to exercise that power, and he did not see why it was not just as necessary in Ireland as it was in England, that creditors should make application to a Judge if they wished to obtain the arrest of a debtor whom they believed to be about to abscond. Creditors ought to take the trouble, in such cases, to go up to the metropolis and make affidavit before a Judge, as was the case in this country.

Mr. KEOGH said, he could assure the hon. Gentleman who had just sat down, that the measure did not give more power to arrest debtors in Ireland than existed in England, or it would never have received his assent. The hon. and learned Gentleman appeared to be under a misapprehension as to the power which existed in this country for the arrest of absconding debtors. The present measure, so far from making the law more stringent in Ireland than in England, if anything, rather limited its power, although, with that exception, it was almost a transcript of the Act which had been passed for this country. By the Act passed in 1851, intituled "an Act to facilitate the more speedy Arrest of Absconding Debtors," any Commissioner of the Court of Bankruptcy, of whom there were fifteen or sixteen throughout England, or any Judge of a County Court, except in the counties of Middlesex and Surrey, was authorised to make an order for the arrest of any absconding debtor, upon affidavit being made to him by the creditor; but the present measure only gave that power to a Judge, or to the mayor or recorder of any corporate town, so that in reality the Bill would have a more limited operation than the Act in force in this country. If any alteration on these points should be thought necessary, it could be considered in Committee—they did not affect the principle of the Bill—and he thought that good reason had been assigned for the introduction of the present measure.

Mr. KERSHAW supported the second reading of the Bill, which appeared to him to be a necessary and proper measure.

Mr. DAVISON, as the Member who had charge of the Bill, said he had introduced it solely at the request of the Chamber of Commerce at Belfast, who felt that the existing law was inadequate to the circumstances which had arisen out of the extensive emigration from that country. If the creditor had to go, say, from Belfast to Dublin for a warrant, some days would necessarily elapse, the absconding debtor would in the interval be on board ship, and the debt be lost. This had been largely experienced by the commercial classes in Belfast, and it was to meet that state of things that he (Mr. Davison) had brought the measure forward.

Mr. KENNEDY approved of the Bill so far as it concerned the commercial interest of Ireland, but feared that its operation would be most injurious in the agricultural parts of that country, so long as the great debtor and creditor account between landlord and tenant remained unadjusted.

Mr. BRADY consented to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*
Bill read 2°.

WAYS AND MEANS—ISSUE OF EXCHEQUER BILLS.

Mr. BOUVERIE reported the Resolution agreed to in Committee of Ways and Means—

> "That, towards making good the Supply granted to Her Majesty the Commissioners of Her Majesty's Treasury shall be authorised to raise any sum of money, not exceeding 1,750,000*l.* sterling, by the issue of Exchequer Bills."

Sir HENRY WILLOUGHBY asked the Chancellor of the Exchequer if he were correct in understanding him to have said in his speech on Monday last, that, in case this amount of Exchequer bills were issued, the unfunded debt chargeable on the aids for next year would be 17,740,000*l.*, or thereabouts? Also, whether 480,000*l.* in Exchequer bills had not been converted into Exchequer bonds, 1,300,000*l.* in Exchequer Bills cancelled, and 1,200,000*l.* converted into 3 per cent Stock?

The CHANCELLOR of the EXCHEQUER: As far as I understand the questions of the hon. Baronet, they are best answered by reference to the returns which have been presented to the House. The hon. Baronet is, however, substantially right in the statement he has made. By the addition of the 1,750,000*l.* Exchequer bills, and in consequence of the conversion of a certain portion of Exchequer bills into Exchequer bonds, and purchases made by the National Debt Commissioners, partially from the sinking fund, but chiefly from the monies received by them on account of the savings banks, the total amount of the unfunded debt would be 17,740,000*l.*, a sum which, as I stated the other night, is within a few thousand pounds of the amount at which it stood twelve months ago. I am anxious on this occasion to refer to a matter of fact, on which there was some difference of opinion between the right hon. Gentleman opposite (Mr. Disraeli) and myself on a former evening. The right hon. Gentleman was understood by me to say, that there had been a loss to the extent, I think, of 39,000*l.* or 36,000*l.*, upon the interest payable on Exchequer bills this year as compared with last year. The right hon. Gentleman founded his statement upon a return for which he himself had moved, and which I do not think bore out that statement. I made a statement of a different kind founding myself on information which I had acquired in a different form, and which led me to a different conclusion. But, as far as the return of the right hon. Gentleman goes, I am at a loss to know how he has extracted from it that result. The right hon. Gentleman was right in saying—though I had not examined the return minutely at the time—that that return included a reduction in the rate of interest which took place on the 10th of June, 1852. But that was a separate transaction from the reduction which was effected last year. That ought, therefore, to be struck out of the return altogether, for the purpose of comparing the profit and loss; and after he has struck that out of the return, I am not quite aware how he can substantiate the assertion he has made. That, however, is no concern of mine. What I am concerned to do is to support the assertion I myself made. That statement was not made with the view of taking credit for a saving to the country, for that depends upon matters of account which were not then in question. What I stated was this—that, notwithstanding the great increase in the rate of interest on Exchequer bills, which took place in the autumn of last year in consequence of the state of the money market, the total payments on Exchequer bills during the year 1854, in respect of bills issued in 1853, would be less by 20,000*l.* than they were in 1853 in respect of Exchequer bills issued in 1852. I afterwards said that I had committed an error in placing it at 20,000*l.*, because I ought to have made an allowance of 12,000*l.* or 14,000*l.* on account of bills reissued in that year, and that statement is correct in every particular. The amount of interest paid on Exchequer bills, in 1853, in respect of bills issued in 1852, was 367,000*l.*; and the interest on Exchequer bills in 1854, in respect of bills issued in 1853, will be 347,000*l.*, making a difference of 20,000*l.* less payable on Exchequer bills for the present year. Besides that, there is the sum of 14,000*l.* or 15,000*l.* which has been credited by the Bank to the country on account of Exchequer bills, forming part of the reissue which took place in the autumn of last year, and on the 1st day of January in the present year; that 14,000*l.* or 15,000*l.* being made up chiefly of interest on Exchequer bills, and partly of the premiums on bills which were disposed of either in the open market, or to the South Sea Company. Putting these sums together there is a difference, in respect of the actual payment on Exchequer bills, of 35,000*l.* or 36,000*l.* in favour of the present as compared with the last year. That difference of payment would not have existed if it had not been for the reduction in the quantity of bills stated, and correctly stated, by the hon. Baronet the Member for Evesham (Sir H. Willoughby).

Mr. DISRAELI, from a regard to the public service, and the convenience of the Government, would not then detain the House further than to observe that he did not wish it to be understood that he acceded to the statement of the right hon. Gentleman. There were several points connected with it, however, upon which it was due to himself that he should take another opportunity of troubling the House.

The CHANCELLOR of the EXCHEQUER expressed himself as much indebted to the right hon. Gentleman for the postponement of his observations.

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. Bouverie, Mr. Chancellor of the Exchequer, and Mr. Wilson.

The House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, March 9, 1854.

MINUTES.] PUBLIC BILLS.—1ª Coasting Trade; Commons Inclosure.

MANNING THE NAVY.

The Earl of ELLENBOROUGH said, he had given his noble Friend at the head of the Government notice of his intention of putting a question to him with respect to certain returns in extension of those ordered by the House of Commons, in connection with a most important subject—the manning of the Navy. He saw in the papers connected with the Navy Estimates a return from April to January last of the number of men voted and the number borne; and what he desired was a continuation of that return for the month of February; and likewise that the coast guard and the pensioners who had been called into service, as well as the marines, should in that return be distinguished from those entered as able seamen. It appeared that, between the months of April and January last, 5,030 men were added to the Navy, including both seamen and marines; but there were no certain means of distinguishing how many were seamen and how many were marines. He saw, however, that 2,223 marines were engaged in the financial year ending the 30th of November; and he thought he might assume, for the purpose of comparison, that the enlistment proceeded at the same average rate per month from the end of November to the end of January. He found that the marines engaged for the ten months amounted to 1,939, leaving only 3,091 seamen as the increase added to the Navy in the course of the ten months. When he (the Earl of Ellenborough) was connected with the Navy, it appeared to him that the annual increase of the Navy, without any extraordinary effort, was about 7,000 men; therefore in the ten months there should have been added to the Navy 5,800, whereas only 3,091 men had been added in the course of that period. Now, he thought, under the very peculiar circumstances of the present times, which one would have supposed would have induced seamen to come forward to engage in Her Majesty's service, there was some defect in the course of conduct taken by the Government. If, from whatever cause, the Crown abandoned for the present at least the exercise of its undoubted prerogative and entered the seamen's labour market on equal terms with the merchant, the Crown must outbid the merchant, or the merchant would get the men and the Crown would not. He had read with great interest a little pamphlet published by a most excellent officer, Lieutenant Brown, of the Registration of Seamen Department, which showed that in the course of the year the able seamen in the Queen's service received somewhat more than the able seamen in the merchant service; because in the merchant service the men were only employed nine months in the year, whilst those in the Queen's service were employed twelve. But then the men in the merchant service had what they considered the great advantage of three months' liberty in the course of the year, which liberty was of necessity refused to the able-bodied seamen of the Queen's service. It seemed, therefore, to be necessary, if we wished to obtain good seamen, that something should be offered to the seamen which would counterbalance the three months' liberty allowed in the merchant service. They had been told that there were no men to be had. If that was true, there must have been the greatest possible delusion or exaggeration in all the statements they had heard for many years, of the vast increase in the mercantile marine in consequence of the various alterations in the law respecting navigation and trade. Exaggeration and deception no doubt there must have been from the inaccurate manner in which the accounts had been made out. He had no doubt there were men, and that they were to be got—but then they were only to be got for what they were worth. If the Crown would not give the seamen what they were worth in the market, it was contrary to reason to suppose that the men would give themselves for less. They had heard something of the fitting of transports for the conveyance of cavalry horses to Turkey; and he thought he might just as well go and see these ships himself. He went on board one yesterday, and he was perfectly struck with the fine appearance of the crew. He never saw such men in the merchant service before. He asked how long they had been engaged? The answer was, about eleven days only, since the engagement of the vessel. He also went on board an adjoining vessel, for which a crew of forty men had been engaged, equally as good as those which he had just before had occasion to admire; and he was told there was not the slightest difficulty in getting men, and that they were to be had at the ordinary market price, and not under. If, then, it was intended to consult the public feeling and the feeling of the mariners, by leaving them, as far as could be done without injury to the public interest, the freedom of selecting which service they should enter, and if, too, economy in the expenditure for the public service was to be regarded, it would become necessary to revise both the Ordnance and Miscellaneous Estimates. He did not think there could be a Committee of either House of Parliament who would not find in two hours the means of reducing the Ordnance Estimates by 200,000*l.*, by the postponement of charges which could be brought forward at another time. Again, with respect to the Miscellaneous Estimates, which had grown to so enormous an amount within the last twelve or thirteen years, it was his belief that 300,000*l.* might in the same way be postponed; and with half a million in hand, we might in three weeks man our fleet with the very best sailors in England. But there was one thing necessary above all others, and that was, that the British Navy should be manned by British seamen, and not by landsmen—not by men who did not know what rope to haul upon —not by men who could not go aloft—but by men who could fight their ships as their ships were fought at St. Vincent, at the Nile, and at Trafalgar. It was our duty, if we would protect the shores of England from attack and desolation—if we would maintain our superiority in this war, as we had maintained it in former wars on the seas—to man the Navy as it ought to be manned, cost what it might in feeling or in money; by which means we would place in the hands of the gallant officer by whom it was to be commanded, the most efficient instrument for maintaining the interests and the honour of the country. He wished to know whether there would be any objection on the part of the Government so to extend the return in question as to include the month of February; and to distinguish in it both with respect to the Coast Guard, the Pensioners, and the Marines, and those entered as able-bodied Seamen?

The Earl of ABERDEEN said, that there could be no objection to give the returns moved for by the noble Earl; but the noble Earl in moving for them had taken occasion to make various observations, to which he (the Earl of Aberdeen) considered he had great reason to object, and against which he begged most emphatically to protest, but to make which, he presumed, the present returns had been moved for. He denied that the British fleet, which was shortly to sail for the Baltic, was in any way imperfectly or inadequately manned, which the inference to be drawn from the noble Earl's observations might naturally lead the country to suppose; on the contrary, he was enabled to affirm, on an authority and testimony much more to be depended on in this matter than the noble Earl's, that the British fleet which was destined to leave this country for the Baltic was well and efficiently manned, and in every respect properly equipped for the successful accomplishment of the great purposes for which it was intended. One remarkable feature about this fleet was, that there was not a single "pressed man on board," which was a most favourable and gratifying feature when compared with former years; and another thing to be remembered was, that in order efficiently to man our fleet we had not swept our gaols. With respect to the coastguard men, it was but just to them to say that in every requisite they were seamen and experienced men, and that the proportion of them to other seamen in the present fleet would not be more than usual. There might be some landsmen, also, among the seamen, but not more, certainly, than there were on former occasions; and, generally speaking, of this fleet it might be said that ablebodied and efficient seamen had been selected. This fleet would sail, in fact, as well manned and equipped for war as any fleet that ever left these shores. Having thought it his duty to reply to the inferences which might be drawn from the observations of the noble Earl, he would go a step further and say that he really could not see the advantage to be derived from such observations, even supposing them to be correct—which they were not—and he could not see by what force of reasoning they could be justified, or in what way they could advance any particular views the noble Earl might entertain. He had no objection to have the returns asked for continued up to the period the noble Earl wished; but, at the same time, he could not help entering his protest against the course the noble Earl had adopted, and the inference that might be drawn from his remarks; and he begged in conclusion to assure the House, on the very best authority, that the condition of our fleets was never more perfect and efficient than at the present time.

The Earl of ELLENBOROUGH explained, that the only object he had in view in making these observations, was to expose to the Government what appeared to him to be a danger, in order to induce them to take such steps as might be found desirable to remedy it.

Account showing the number of seamen and marines respectively more or less borne than voted, in each month from April, 1853, to February, 1854, both inclusive: distinguishing such seamen as have been transferred from the coast-guard, or have been called in from the pension lists,

Ordered to be laid before the House.

PARLIAMENTARY REFORM—RETURNS OF POPULATION AND FRANCHISE.

Earl GREY, in rising to move an Address for certain Returns connected with Population and the Franchise, said that it seemed to him obvious that the same returns which had been ordered by the House of Commons on the 15th February last, in reference to the Government measure of Parliamentary Reform, should be laid before their Lordships' House. In moving for these returns, he hoped that, as he was not in the House on Friday last, he should be permitted to make a few remarks in reference to what had fallen from the noble Earl (the Earl of Aberdeen) on that evening, in answer to certain questions put to him by the noble Earl (the Earl of Derby) opposite, in reference to the measure introduced into the other House for the amendment of the representation of the people in Parliament. He would preface the remarks he was about to make by saying, he had learnt with sincere pleasure that the Government had decided upon deferring the second reading of that measure at all events until the 27th April, for he was persuaded that, in deciding not to press that Bill at the present time, the Government had yielded to a necessity to which it was their duty to yield. He must say they had only done what he had expected from them; for, notwithstanding the very discouraging answer he received when he ventured, at an earlier period of the Session, to recommend that the Bill should be deferred, he confidently anticipated, from his knowledge of the character of his noble Friend who had charge of the measure in the other House, that when he came calmly to consider the probable effect of urging the Bill forward at the present time, he would abstain from doing so. He rejoiced to find that, in forming that opinion of his noble Friend's judgment and patriotism, he had not been deceived. He hoped he was equally in the right, notwithstanding the terms in which the announcement of the Government had been made, in supposing that, although the Bill was nominally deferred until the 27th of April, it was not intended to persevere with it then, unless the objections to its now being proceeded with should have been by that time removed. It appeared to him that those objections would not be removed unless the state of the country was very different from that which we had every reason to believe it would be. He knew it had been said that there was no objection to bringing in a measure of this kind at the commencement of a war, and he could well conceive cases in which no solid objection could be urged to great constitutional changes in time of war. These changes might be of such urgent necessity that they could not safely be postponed, and there might be reasons in the internal circumstances of the country why they should be brought forward. He thought this was the case in all those instances which had been cited as showing that there was no objection to the course which Her Majesty's Government had taken. It was true that both the Union with Scotland and the Union with Ireland had been carried in time of war, though these measures involved a great change in the representation, and the disfranchisement of many places which previously returned Members to the Parliaments of Scotland and of Ireland. A measure had also been proposed, but not carried, for amending the representation of England and Wales at the beginning of the revolutionary war with France. But it was well known that all those measures were considered to be of urgent necessity when they were brought forward, and that, on the other hand, the difficulties which we apprehended now were not likely to arise. He certainly thought it would have been better if the Government had at once deferred the further consideration of this Bill till another Session; at the same time he would be indisposed to offer any objection to its postponement to the 27th of April, if it was understood that it would then only be proceeded with in the event of the circumstances of the country being by that time entirely altered. He thought the abandonment of the measure would have been a more judicious course, because, considering the character of the Bill, considering the many interests it would affect and the many provisions it contained, it seemed to him that the second reading of such a measure at so late a period as the 27th of April, even if it should be pressed with all the despatch that was possible, would not enable it to receive all that full and deliberate consideration which it ought to receive, and without which he trusted there would be no attempt to force it through their Lordships' House. In the meantime, however, what he intended to urge was that they should come to the understanding that the measure would not be brought forward at the time specified, unless the objections which now existed were removed. He certainly could not consider that the proper time for effecting a great constitutional change like this, if the dispute in which we were now involved with Russia should not be by that time adjusted. If the only objection to consider this measure had been a difficulty with regard to mere taxes, he should have seen very little occasion for deferring it, because he could not believe there would be greater difficulty in getting taxes to defray the expenses of the war, than there had been found in obtaining votes to authorise incurring these expenses. That, therefore, formed no part of his reason for wishing the postponement of the measure. The great reason for wishing that this Bill should not be proceeded with at the moment of an opening war was, that if the measure were pressed forward for consideration, they would run the risk of weakening the hands of the executive Government—perhaps, of paralysing them—at a time when it was of peculiar importance that the hands of the Government should be strengthened to enable them to conduct with vigour the war on which we were entering, and to enable them to command the confidence of those foreign Powers with whom they must act, either in conducting that war or in negotiating to bring it to an end. Let their Lordships compare the circumstances under which the present Bill was brought in with those that existed in 1831–32. Their Lordships would remember the enthusiasm with which the measure of the Government of that day was supported by the country, and the power which the support of public opinion gave to the Government in the course they were pursuing; and they would agree with him when he said that nothing could form a greater contrast to the apathy and indifference with which the present proposal had been received. They knew that not only had that proposal been received with apathy, but that, had the second reading of the Bill been proceeded with on the day originally intended, it was highly doubtful, to say the least, whether such a Motion would have been carried. Now, it required no argument to prove that in the present state of affairs it would be dangerous to the interests of the country if the Ministers should needlessly expose themselves to a Parliamentary defeat. If, after encountering such a defeat, they should be willing still to conduct the affairs of the country, they would find their authority impaired and their powers diminished; while, on the other hand, no one could doubt that, in the actual state of our foreign relations and of parties at home, a change of Administration and a prolonged Ministerial crisis would be attended with great difficulty and danger. The Government had no right to expose their Sovereign, Parliament, and the country to such a state of things by forcing on the discussion of a measure at a time so very inopportune, not only in the opinion of the opponents of the measure, but of the great majority of its supporters. He owned he had heard with great surprise that it was held by some of the opponents of the Government, and also by some of their supporters, that they were bound in honour to persevere with this measure, in consequence of a pledge they had formerly given on the subject. That was an opinion altogether unreasonable. He could not conceive how public men could possibly be bound by promises made in one state of public affairs to proceed with measures in a totally altered state of affairs, when it became obvious that by doing so they might be acting injuriously towards the country. The honour and duty of public men could not possibly be at variance with each other, and it was the obvious duty of all men engaged in public affairs, and, above all, of those who were in the service of the Crown, to adopt that course which was best for the safety and the interests of the country. Instead, therefore, of their honour being pledged to persevere in that which in the altered circumstances might be injurious to the country, their honour and their duty were both on the other side, and a very heavy responsibility would rest on the Ministers, both collectively and individually, if, having failed in averting the war—he would not say whether by their fault or otherwise, for on that point it was unnecessary to give any opinion—but, having failed in averting the war, they were to leave undone anything that was in their power to diminish, as far as possible, the difficulties and dangers with which that war might be attended. He should also desire to see this measure postponed to another year, because, while the Bill which had been laid on the table of the other House contained much that he highly approved, it was impossible to conceal his opinion that, as a whole, the measure was not so well digested and matured that Parliament could properly pass it in its present shape. It seemed to him that its provisions involved many principles which, if right, ought to be carried further; and this applied more especially to the extensive disfranchisement of places now enjoying the right of returning Members of Parliament for the purpose of transferring that right to other bodies. They could not but feel that the original Reform Bill, by disfranchising so many small places, gave a great blow to prescription as a ground on which that right should be continued to various cities and towns which at present enjoyed it; but if, after that event, a second blow was given to the principle of prescription, and they were again further to disfranchise small constituencies and transfer the right of representation to others, it seemed to him impossible to doubt that, with regard to those small constituencies to whom the right of returning Members would remain, prescription would form but a very insecure basis on which they could keep their right. If, therefore, this arrangement was to be proposed and carried out, it would have been far safer that a larger and more complete reconstruction of our electoral system should be effected. He thought so, because, in common with the authors of the original Reform Bill, he believed that almost the very first requisite of a safe measure on this subject was that it should hold out a reasonable prospect of settling, at least for some considerable time, the question to which it related. It would be in the recollection of those who attended to what passed with respect to the original Reform Bill, that one of the chief reasons assigned by the authors of the measure for its extent was, that they hoped by the largeness of the measure to avert the necessity of again dealing with the subject for as long a period as in human legislation it was possible to look forward. And it seemed to him that the result had justified the foresight and wisdom of those by whom that reason was given, because, while the measure carried in 1832 had been successful in greatly improving the constitution of the House of Commons as an instrument of legislation, and for securing good government, that measure, after an existence of twenty-two years, still remained substantially unaltered. It appeared to him that the present measure was framed on precisely the opposite principle, and was drawn up in such a manner as positively insured, if it were to pass in its present shape, that further changes must again be forced on the attention of Parliament almost as soon as the new scheme could have been brought into operation. He did not see, when such principles were admitted, that it would be possible to refuse to go further; and he was the more confirmed in that opinion because he observed that by far the largest proportion of those who had given the measure anything like a hearty support had declared that they did so because they considered it as an instalment of the measures they hoped to obtain. These he thought very important considerations, and it would be no small advantage, in his opinion, that the measure should now be delayed, in order that the Government might have an opportunity of reconsidering the subject, and of submitting hereafter to Parliament a better digested and more matured plan for accomplishing the object they had in view; and—what was hardly less material—public opinion would also have the opportunity of forming itself upon it. On all questions of this kind the Government and Parliament could only act with success by following, rather than going in advance of, public opinion. All the leading provisions of the measure proposed in 1831 had been for forty years, and even longer, under the consideration of the public, and the country had been prepared for them by ample discussion; but the present Bill contained many provisions of a different character, which had not been so considered, and which were imperfectly understood. The truth was, that the public had, till very lately, so little contemplated seriously the probability of any great change in our internal constitution, and the real difficulties of the changes had been so little considered, that he believed there were few men who were actually prepared to give a definite opinion on the subject. After what had occurred, however, men's minds would be directed to this important question. Inquiring and reflecting persons would, no doubt, give expression to their opinions through the press; by the conflict of opinion truth would be elicited, and the public would be better prepared for considering with advantage such a measure as Parliament ought to pass. For these reasons, he greatly rejoiced that the Government had deferred for some time, at least, any further proceeding with this Bill; and he hoped, unless there was a great change in the circumstances of the country, greater than could be anticipated at that moment, that the measure would be still further deferred. The noble Earl concluded by moving for the returns.

The EARL OF ABERDEEN said, he need scarcely say that there could be no objection to produce the returns moved for by the noble Earl; nor did he mean to complain of the course which the noble Earl had taken on the present occasion; for he had always great pleasure in hearing his noble Friend, even when he differed from him. But the noble Earl would permit him to say that, on this occasion he did think that he had extended his observations beyond the strict bounds of regularity; for to discuss in this House whether a measure before the other House of Parliament shall be read on one day or on another day, or whether it shall be postponed or deferred altogether, he (the Earl of Aberdeen) thought scarcely formed a regular subject for discussion before your Lordships. He was not aware that he could add anything to the statement which he made last week in that House on this subject, when a noble Earl (the Earl of Derby) asked him a question which he had no difficulty in answering, and which he thought it perfectly natural should be put, in consequence of the importance of the subject to which it referred. He then said, that his noble Friend who took charge of this measure in the other House of Parliament had postponed the second reading till the 27th of April—that he had done so in sincerity and good faith, and that it was his intention to move the second reading on the 27th of April. He said that announcement was made, and he repeated it, in sincerity and good faith; but, if he was asked whether that intention would be irrevocably executed on that day or not, of course, he must humbly decline to give any positive pledge on the subject. In the present state of this country, and in the present state of Europe, who could tell what a day or an hour might bring forth? But, he said—reserving that which must, of course, belong to all intentions, and which must depend on a sense of public duty—the intention which he announced last week, on the part of his noble Friend, he repeated to-day; and when that time came it would be for Her Majesty's Government to consider of it, and to act according to that which appears to them most consonant with the great interests of the country and with a due regard to their own honour.

EARL GREY was understood to say that he was perfectly satisfied with what had fallen from the noble Earl.

Motion *agreed to*.

SANITARY MEASURES.

THE EARL OF HARROWBY rose, pursuant to notice, to call the attention of their Lordships to the sanitary condition of the country, more especially with respect to the metropolis. It was of the greatest importance, that the consideration of Parliament should be directed to the subject at the earliest possible moment, that they should not all at once find themselves in the midst of the cholera, without preparation; for so much was it in the nature of man generally to defer precautionary measures till the emergency arose, that he was afraid, unless public opinion was called to it, they would find that boards of guardians, and even boards of health, would be hardly prepared for the emergency that was likely to arise. They could hardly have forgotten that the cholera had recently appeared amongst them, and with greater intensity than at any former period; it had laid a stronger hold on such portions of the country as it had visited than ever it had done before; and it was not only more severe, but it was more fatal. It possessed also this remarkable peculiarity, that it now gives less warning in individual cases than was the case formerly; for on the recent visitation the premonitory symptoms were immediately followed by the most dangerous stages of the disease; and there was less opportunity of providing medical assistance than existed during the former visits of the epidemic. Therefore it was more especially important that they should be beforehand in their precautions, and look around them and see if they had hitherto taken the best precautions that circumstances would admit of for meeting so great an evil; how far the measure for the improvement of towns had been carried into effect, and whether they were still doing all that circumstances required. He believed it was the fact that they were, in point of legislation, in no better position now than they were in 1849, when the epidemic last raged in this country, and when their legislation was found so inadequate to meet the exigency. At that time the Board of Health was called into existence, and they had also the Commission of Sewers; but that, like the Board of Health, had been found to be inadequately constituted; and he asked in what better position they now were to meet the cholera than they were in on the last occasion? There were two points of view in which the question might be considered; namely, the providing of permanent precautions against the cholera in the way of drainage, and the proper supply of water, which he was afraid had been sadly neglected. It was true that some nibbling measures had been introduced in the course of the last three or four years, but he was afraid they were exceedingly imperfect; but, even imperfect as they were, he believed they would be productive of considerable good, if means were taken to remove certain difficulties of detail which rendered it impossible completely to carry out their provisions. With regard to the supply of water, the mere transfer of duty from one officer to another would make the whole difference with respect to the inefficiency or efficiency of the means. At present a great portion of the metropolis was brought into close contact with the supply of water; but, from the want of a link between the drains and the water, that supply of water was not available for sanatory purposes. And why were those drains not supplied? It was because the power of making those drains was left in the hands of the churchwardens or local authorities, who were generally slow in operations which would entail immediate expenditure and were calculated to meet a merely threatened evil. If, however, there were some central authority to take measures for the opening of the communication between the water supply and the drains, a considerable improvement would be effected, and they would have no small portion of the metropolis in the possession of most efficient sanitary functions. There were a number of similar cases, but it was not for him to recite them. They would be much better in the hands of his noble Friend on his right (the Earl of Shaftesbury), who was much better acquainted than he was, not only with the general principles, but with every detail connected with those matters. An alteration in their legislation would make the whole difference, as to whether the general principles in an Act would be made efficient or not. With respect, for example, to the Nuisances Act, it was necessary to carry it into effect in a great degree through the agency of the boards of guardians. Notice was given to them to proceed; but they were probably reluctant to do so, and it was even alleged that in many cases they were elected to obstruct the removal of nuisances. Yet it was in the hands of those very parties they reposed almost their whole confidence to carry out their sanitary measures. The moving power was in the Board of Health—the power to carry out the Act was in the hands of the board of guardians. When the Board of Health gave notice to proceed, the board of guardians might refuse; and though there was a remedy by appeal, while the parties were disputing before a court of law, the nuisances that were productive of the spread of cholera would remain undisturbed and the pestilence might break out in one alley after another. Experience would show where the difficulties lay, and, with that experience before them, was it right that they should come into immediate contact with cholera without some measures being taken to remove those evils? It seemed to him to be highly important to keep in view two distinct classes of objects; one class had reference to the permanent health of the country, and every protection should be given to private property, when it was interfered with by putting the machinery in force necessary for that object. But whenever the country was visited by such a pestilence as the cholera, in his opinion, the ordinary law should be suspended, and the country placed under a dictatorial *régime* as regarded sanitary measures by an Order in Council; extraordinary powers should be committed to some central authority, which should be enabled to insist on the adoption of every necessary precaution for the preservation of the public health. They might adopt temporary measures to supply water for the cleansing of courts; they might insist upon medical visitations from house to house; they might employ all the measures that had been found from experience to be effectual for the purpose, and the central authority should have peremptory power to overrule every obstacle. What he wished to ask of his noble Friend and the Government was, what steps they were prepared to take in regard to this coming disease? They could have no doubt of its coming. It had reappeared again with all its usual formalities, and was approaching them in exactly the same way as former epidemics of the same kind had done. It had appeared at the same time of the year, in the same quarter of the country, and with no other difference than an increase in intensity. Therefore no delay should take place in the adoption of precautionary measures, particularly with regard to this great metropolis, with its two and a half millions of inhabitants. During its state of siege by the cholera, the metropolis should be placed under some peremptory authority that would cause everything to be done that was essential for the public safety. With regard to a more permanent measure, that was another question. It might be a desirable subject for the consideration of Parliament whether there should not be some steps taken with regard to the drainage of great towns; but what they had a right to know at once was, whether provision was made, or about to be made, without delay, by a summary and effective process, to use all the means of prevention which they had learned from experience were, if not fully effective, at least effective to a considerable extent in the prevention of this terrible disease. With that view he should move for the production of certain papers which he thought might be important in assisting their Lordships to come to a conclusion. He begged to move—

> "An Address for a Copy of Report of the General Board of Health, on the administration of the Public Health Act and the Nuisances Removal and Diseases Prevention Act, from 1848 to 1854 (presented to the Secretary of State for the Home Department in January, 1854)."

The Earl of SHAFTESBURY said, that the subject which had been brought forward by his noble Friend was an extremely important one; and he was glad it had been brought under their consideration, in order that their Lordships and the country should know the extent of the danger, the extent of the preparations that had been made to meet it, and for the purpose of making those preparations adequate to the emergency. There could be no doubt whatever that that dreadful epidemic was about not only to revisit this country, (which in fact it had already done), but that it was also about to repeat its ravages as it had done in 1831-2 and in 1848-9. It was following exactly the same course, and—the coincidence was really remarkable—it was exactly treading in the same traces, following the same course, and selecting almost the same spots where it had formerly ravaged the country. The two preceding visitations of cholera in 1831-2 and 1848-9, commenced with an attack which was merely premonitory of the epidemic. This was succeeded by a lull, which encouraged the hope that the pestilence was at an end. This lull continued, in the first visitation, for eight months; and in the second, three months; and then in each instance the pestilence returned with ten times more fierceness than before. Judging from experience, they might consider that they were now in the middle of a lull, perfectly similar to that which took place in the two preceding epidemics. The epidemic of 1848-9, which, in February, March, and April, numbered its victims only by one or two in the week, was premonitory of an outbreak that destroyed upwards of 2,000 in a week, and produced a total mortality of 17,000. The present visitation had commenced its career in a manner precisely analogous to the last; and there was no reasonable ground to doubt that it would pursue a similar course. Within the last ten days the disease had broken out in Port Glasgow, Greenock, Gourock, and several other smaller places in the west of Scotland, and also at Leeds. It had alighted suddenly on these several towns, seized a few victims, and then disappeared for a time. This was precisely the course which it took in London and Glasgow in 1848, antecedent to its general attack in 1849; and this appeared to be the character of the pestilence—that it gave notice of its approach. He begged to read a statement which had been made by the special inspectors, appointed to the peculiar character of the present visitation:—

> "Yet, in certain respects, as far as the pestilence has yet advanced, it appears to have been more virulent than on any former visitation. It has been more rapid in its course, and has been, upon the whole, more mortal. It has given shorter warning; it has allowed briefer space for preparation. One stage of the disease, formerly well marked, was now suppressed—namely, that denoted by the term 'approaching cholera.' At present, diarrhœa passed into cholera, and cholera into collapse, with a more fearful rapidity. In 1848 and 1849 it was rare for persons to perish within twenty-four hours; but now it was not uncommon for death to take place within twelve, ten, and even eight hours. Still the premonitory stage did exist; warning was given; time was allowed, and time enough, to arrest the disease in its diarrhœal stage; to stop the coming on of the fatal condition of collapse; but hours were now as precious as days, and the neglect of a space of time which, in 1849, might have been retrieved, would, in all human probability, in 1854, be attended with the certain loss of life."

His noble Friend (Lord Harrowby) had asked what preparations had been made to meet the approach of cholera. In answer, he might state that by an Order in Council, issued in September, under the Nuisance Removal Act, which could only be put into operation when any part of the kingdom was affected or threatened with an epidemic, the Board of Health had obtained powers to issue regulations for the cleansing of streets, for the purifying, ventilating, or disinfecting of houses, for the removal of nuisances, and the adoption of measures generally for the promotion of health. The execution of these directions was entrusted to the local authorities, but principally to the boards of guardians in England, and parochial boards in Scotland, to whom, as well as to the Board of Public Health, power was given to institute prosecutions. From the fact that sixteen years intervened between the first and second visitations of cholera in this country, it was anticipated by some that the interval would be as great between the second and the third, if, indeed, the pestilence should ever again return, which they regarded as doubtful. But the Board of Health had directed its attention to the state of things on the Continent and in the East. From the increased frequency of its recurrence at its sources in India; from its repeated devastations in Persia, Russia, and Poland; from its advance last year to Berlin and Hamburg, and Warsaw, the General Board of Health believed that its return to this country was but too probable, and they apprehended that this event was not distant. On its reappearance on the Continent, a medical inspector was sent by the Board to Hamburg to ascertain the progress and character of the disease, and the probability of its approaching to this country. They had also proceeded to the execution of the powers vested in them for the examination of all suspected places. Medical inspectors were appointed, who re-examined the seats of the pestilence in the metropolis, and forwarded Reports to the several parishes to which they related. Subsequently, similar inspections had been extended to the principal towns throughout the kingdom in which cholera had proved most fatal. In the month of September they obtained the issue of the Order in Council, and means were adopted whereby those parties who were particularly exposed to the influence of the disorder—persons in the seaport towns, and on board ship—would be brought within reach of assistance. They had been assisted by the Board of Trade, and they had done their best to introduce that which had been long desired, namely, a manual of directions to be used by persons who, being remote from medical treatment and medical aid, would be able to administer to themselves or to others such treatment as was required upon a sudden breaking out of the disease. They had never been able to do that before, but on this occasion, by the assistance of the College of Physicians, they had been able to make such regulations, with the authority of and with the sanction of the College, as would form an important manual for all parties on board ship, and for those persons who had not the means to call to their aid at the spur of the moment the necessary medical assistance. He would not detail to their Lordships the states of the various localities or the preparations that were being made, but he wished to show to the country a few choice specimens of the condition in which they were, and to show that no temporary powers would really aid them, but that only by deliberate and steady care and continuous efforts they could be placed in a position to withstand the attacks of cholera. He was sorry to say that little or nothing had been done in the interval between the first and second visitations of cholera to improve the epidemic localities. In the four years between the second and third visitations, some improvements had been effected in certain towns; but in general the epidemic localities remained the same; and there, the localising causes continuing undiminished, the pestilence on its return broke out and raged in the very same streets, blocks of buildings, houses, and even rooms. To prove that neither the Board nor the various localities had any excuse for their neglect, he would cite a few cases showing that the cholera visited the same places, streets, and houses in 1848–9 and 1853, that it did in 1831–2. Thus at Howden, on the north side of the Tyne, the first case of cholera occurred in the very same house in the successive epidemics of 1831, of 1848, and of 1853. At Gateshead, on the south bank of the Tyne, the pestilence first broke out in the same streets in each of the three epidemics. At Newcastle, in Greenhow Terrace, cholera in 1849 carried off three victims. In 1853, out of 118 inhabitants residing in this block of buildings, there were 31 attacks and 11 deaths. In both epidemics the first death occurred in the same house, the family inhabiting which lost during the recent visitation three of its members, the mother and two sons. At Bedlington, the house first attacked in 1853 was the second attacked in 1848. The first case of cholera that occurred in Sheffield, in September last year, was in Brown Street, situate in a low part of the town, in the vicinity of a large open sewer. It was in this same locality that the epidemic raged with the greatest violence in its previous visitations. At Redruth, in Cornwall, in the same streets and houses which were ravaged by cholera in 1849 there have recently occurred 41 deaths from the pestilence. With reference to Scotland, the disease first broke out at Leith, after an interval of sixteen years, in the same house in which it first appeared in 1832. At Port Glasgow, where cholera has just reappeared, the house first attacked was the second attacked in 1848. The other day at Glasgow a person died in one room, while in the epidemic of 1848, three persons died in the next room. At Arbroath, houses which exhibited a heavy mortality in 1848 have become the chief seats of the disease within the last few weeks. It was remarkable that in all the houses that had been examined some local cause was found for the existence of the disease. In some there was a large quantity of cesspool matter, in others there was a damp putrid mass hanging on the walls, waiting till the choleraic poison issued, to join with it in an unholy alliance to destroy its wretched victims. In the metropolis the case was precisely similar. At Kensington, in October last, cholera first returned to the very same room in which the first fatal case had occurred in 1849. One of the most fatal spots in the Whitechapel Union was Dunk Street and its immediate vicinity. In the epidemic of 1848 and 1849 there occurred in a circumscribed portion of that district 103 deaths from the pestilence. In 1852, Dr. Sutherland, in the apprehension that another outbreak of cholera was then impending, re-examined the same locality, which had been reported on so long back as 1838, and he stated that the descriptions given by Dr. Southwood Smith fourteen years before, were then perfectly applicable to the same place, and that the great leading causes of the unhealthiness of Whitechapel remained essentially the same. "I do not think," said the registrar, "there is a street in the district in which epidemic disease has not been fatal." "During the recent visitation in the month of October last, no fewer than eleven fatal cases of cholera occurred in that very street in which, in 1838, typhus fever was in nearly every house." This showed, beyond question, that the cholera gave premonitory symptoms and indications, and told almost the very spots where it would return. Their Lordships could form no notion of the state of the places where it ordinarily broke out. It was absolutely necessary, if they wished to form an estimate of them, that they should visit them themselves, and bring every sense to bear upon them, for otherwise he defied them to fancy even the abominations which existed within, perhaps, a gun-shot of where they were then assembled. He would describe one place in the north—Gateshead—where the cholera had raged and had occasioned great mortality. Mr. Lee, one of the inspectors of the Board of Health, said :—

> "Now, as on former visitations, one of the most fatal localities in Gateshead is Pipewell Gate. It is a very narrow lane, about 300 yards long. In many parts two carriages could not pass each other, and the average width is only eight or nine feet. It lies parallel to the river, and extends from the bridge westward. On the south side the ground rises very precipitously, and many of the houses are built into the bank, so that the walls are damp and any ventilation impossible. The fires in the rooms draw the foul moisture out of the bank behind, so that in many cases it trickles down the internal walls. In addition to these evils the courtyards are only narrow alleys, with filthy steams of refuse flowing over the surface, and the dilapidated old houses are crowded from bottom to top with human beings. In 1832 the first local outbreak of cholera was in this place, and its devastation was frightful. In two days there were 172 cases, of whom sixty-three died. In 1849 the first outbreak was here, and about half the whole deaths from cholera in Gateshead occurred in Pipewell Gate. It is in the same sanitary condition now as at the former visitations."

It was impossible to go through all these details, because there were hundreds—nay, thousands—of such localities; but he would bring one other instance under the notice of the House, because it was a sample of the state in which many of the villages and towns in the mining districts were allowed to continue. He alluded, now, to the town of Merthyr Tydvil; and it would be observed that one of the great evils among the mining population of that town, swarming with human beings, was the almost total want of water, it frequently happening that people were obliged to go a mile or two in order to obtain a glass of fresh water fit for use.

> "The first circumstance," said Mr. Holland, "that must strike every visitor at Merthyr is the extreme and unusual dirtiness and wetness of the town. I can hardly expect credence for such facts as the following, yet it is perfectly free from exaggeration:—I saw a young woman filling her pitcher from a little stream of water gushing from a cinder heap, the surface of which was so thickly studded with alvine deposits that it was difficult to pass without treading in them, in some of which I saw intestinal worms, and the rain then falling was washing the feculent matter into the water which the girl was filling into her pitcher, no doubt for domestic use."

He might here observe that, as a preventive against cholera, he did not believe there was one thing more important than a constant supply of clean and healthy water—not only for personal cleanliness, but also for domestic use. Wherever water had been plentifully used it had been able to keep down the disease. Reference had often been made to the city of Hamburg, where, after the fire, the great quantity of water which was introduced there produced such an effect that diseases of the skin, which used to be extremely prevalent, ceased to be known, and not more than a single case of itch occurred in one year. The state of Scotland was not one whit better than that of England. This summary gave a representation of the whole.

> "Damp, earthen, muddy floors; walls saturated with moisture, which, when limewashed, still looked dark and dingy from the impossibility of drying them. Small close windows, admitting of no perflation of air, crowded apartments, thatched roofs, saturated like a sponge with water, an undrained soil, and ash and refuse cellars within ten feet of inhabited rooms. The condition of many houses in rural districts in which outbreaks had occurred was represented to be in no respect better. In the parish of Cramond, for example, an agricultural village near Edinburgh, the houses, which were made of whinstone, greedily absorbing moisture, were stated to be covered with decayed thatch, which was itself covered with bright green fungoid vegetation; the floors, consisting of unhardened clay, were hollowed in some places and filled with water, and were situate about a foot below the level of the adjacent soil. The rain soaked through the thatched roof and through the matting hung up overhead."

But Dundee the inspectors declared to surpass them all; they thought, until they had inspected this place, that Newcastle was unrivalled. He would now allude to one or two places in the metropolis, and he would direct their Lordships' attention to a place in the neighbourhood of Kensington called the "Potteries." Dr. Milroy, in company with Mr. Frost, the medical officer of the district, recently reinspected the Potteries in the Notting-Hill division of Kensington parish. Special Reports were made of this notorious locality, in 1849, to the General Board of Health, by Mr. Grainger and Dr. Waller Lewis, and to the Metropolitan Commissioners of Sewers by Mr. Lovick. On the re-examination of it, within the last few days, Dr. Milroy stated that he could perceive no abatement of its horrible nuisances, no signs of noticeable improvement since his former inspection of it in August, 1849, with the parochial medical officers. It was represented as being now what it was then, one large slough of loathsome abomination, revolting alike to sight and smell, and most fatally pernicious to health, as attested by the high rate of mortality at all times among the inhabitants, and by the large number of deaths from cholera in the epidemic of 1849.

> "At the time of my visit last week," says Dr. Milroy, "the roads and streets were no better than long tracks of black putrescent slush, with pools of foul stagnant water in different parts. It would be difficult to parallel in other part of the metropolis the state of things in Thomas street. To cross from one side to the other without getting ancle deep in stinking mire was impossible. Nor could I but feel the reasonableness of the remark which the people themselves made to me, that the state of the roads was as bad as the pigsties themselves."

To meet such a state of things as this it was quite clear that no temporary expedient would suffice, and that nothing could be effectual but the institution of permanent works, such as good drainage, widened streets, a plentiful supply of water, good ventilation, a better construction of buildings, and a reduction of the number of persons living in each dwelling. This would of course demand considerable deliberation and inquiry. Under a recent Act churchwardens had the power to compel the owners of small property to connect their houses with the water mains. If the churchwardens would avail themselves of that power it would be a great engine for good; but he much feared that, unless there were some central power to compel them to do their duty, the state of the water supply of the metropolis would be very little better than it had been twenty years ago. But there were other causes of disease at work, such as the permanent nuisance of slaughter-houses and the like. Their Lordships had no idea of the enormous injury inflicted upon the community by the effects of those abominable trades which, contrary to all the rules of decency and civilisation, were carried on in the very heart of the metropolis. He understood that there were large aggregations of cowsheds, containing no less than 20,000 cows, in the very centre of London, from which exhalations of the worst description were constantly sent forth. In fact, complaints were addressed to the Board of Health day by day and hour by hour, calling for redress, which that Board had no means of affording, except by the slow and very uncertain process of the Nuisances Removal Act. One great and most noxious cause of disease was to be found in the whole system of bone boiling and crushing. Everyone who knew anything of it would know that the nausea which it created was most terrible, and that it not only kept people in a very low state of health who lived in the neighbourhood, but that it produced a condition of body which was predisposed to the attacks of cholera. This was not confined to the metropolis, similar complaints having been received from Reading, Wisbeach, Rugby, and elsewhere. To these nuisances must be added numerous piggeries which existed in the midst of a town population, to remedy which the order of the Board of Health was of no permanent avail; for when complaints were made of this nuisance, say on Monday, the owners removed the pigs on Tuesday, and brought them back again on Thursday—so that no real relief was afforded, the whole thing being a farce. The slaughter-houses in this metropolis were productive of incalculable evils, and it was disgraceful that such a state of things should be allowed to continue. What a contrast London presented in this respect to the city of Paris, where everything was conducted with decency, order, and cleanliness. He had himself searched the *abattoirs*, been over the whole of Paris, and had walked through its streets in search of nuisances day after day, and he had been exceedingly struck, and almost attracted, by the cleanliness of the butchers' shops. Fever was never absent from places where slaughter-houses abounded, and fever prepared the way for the ravages of cholera. Then, again, there were extensive yards for the fabrication of manure from nightsoil. Their Lordships would hardly believe it, but he could state it as a positive fact, that there were, in the heart of London, large yards to which was carried the cleansing of the cesspools and privies of a great proportion of the neighbourhood. In these yards the ordure was kept heaped up in mounds ten or fifteen feet high, and underwent a process by which the solid manure was expressed and prepared for exportation. Hundreds and thousands of people were living in the midst of these centres of filth, and exposed to the most deleterious influences. In one locality there was a very large pond, in which all cesspool contents were thrown, and allowed to decompose; and the people living in the vicinity for a great proportion of the year, and during the hottest period of the summer, were obliged to keep their doors and windows shut to keep out the pestilential effluvia, and their sufferings were exceedingly great. These were only specimens of the innumerable plague-spots now in existence in the metropolis, and which there could be no doubt had immolated their thousands of victims. He thought he had adduced quite enough to indicate what was the state of things which we had to meet, but he would mention a few facts just to show that preventive measures, where resorted to, although they might not always be entirely effectual, yet in some instances absolutely frustrated cholera, and in a great many mitigated its virulence. One of the most remarkable of these occurred at Baltimore, during the prevalence of epidemic cholera in America, in 1849. The population of this city was about 149,000 souls. The site of the town was naturally salubrious, and parts of it were well built; but the districts near the river, occupied by the poorer classes, were low and damp and liable to remittent and intermittent fevers, and, therefore, predisposed to cholera. In the spring of 1849, the pestilence, which had attacked with great violence several neighbouring towns, appeared to be close upon the city. A general conviction prevailed, both among the authorities and the citizens, that uncleanliness had much to do with the development and spread of the disease; they, therefore, spared neither money nor labour to purify the city, and they gave the execution of the cleansing operations to experienced and energetic officers, who performed the work so vigorously that it was generally admitted that never before had the town been in so clean a state, or so thoroughly purified, as during the summer months in the year 1849. That the cholera poison had really pervaded the city was appallingly evinced by an event which occurred in its immediate vicinity. The Baltimore almshouse was situated about two miles from the city, on sloping ground, and was capable of accommodating between 600 and 700 inmates. An inclosure of about five acres, surrounded by a wall, adjoined the main building upon its north side. In the rear of this north wall was a ravine, which was the outlet for all the filth of the establishment. It was dry in summer, but retentive of wet after rain. The physician of the establishment, under the same apprehension of an outbreak of cholera as had prevailed in Baltimore, had taken the same precautions against the disease, and had placed the establishment itself in a state of scrupulous cleanliness. On the 1st of July cholera attacked one of the inmates; on the 7th a second attack occurred. This was followed in rapid succession by other seizures, and within the space of one month ninety-nine inmates of the establishment had perished by cholera. Within the building and grounds the most diligent search failed to discover anything that could account for this outbreak, but, on examining the premises outside the northern wall, there was found a vast mass of filth, consisting of the overflowings of cesspools, the drainage from pigsties, and the general refuse of the establishment. "In short," says the medical officer, "the whole space included between the ravine and the wall, upon its north side, was one putrid and pestilential mass, capable of generating, under the ardent rays of a midsummer sun, the most poisonous and deadly exhalations." During the greater part of the time that this outbreak continued, a slight breeze set in pretty steadily from the north, conveying the poisonous exhalations from behind the north wall directly over the house, and, in every instance, the first persons attacked were those who happened to be particularly exposed to the air blowing from the north side of the building. The very same thing occurred with regard to the barracks at Newcastle last year. The cholera had broken out at Newcastle with unprecedented severity, but this was the report which they had received with regard to the barracks:—

"The barracks in which the garrison of Newcastle is quartered are situated about three-quarters of a mile from the centre of the town. In houses at distances varying from 20 to 200 yards of the barrack-gates, numerous deaths from cholera took place, and in a village 250 yards from the barracks the pestilence prevailed to a frightful extent for many days, numbering one or more victims in almost every cottage. On the outbreak of the pestilence in the town the medical officers of the garrison, with the sanction and assistance of their superior officers, exerted themselves with great promptitude and energy to carry into effect all the means at their command calculated to lessen the severity of an attack from which they could not hope altogether to escape. The sewers, drains, privies, and ashpits were thoroughly cleansed; all accumulations of filth were removed; the spots where such filth had been collected were purified; the freest possible ventilation was established day and night in living and sleeping rooms; over-crowding was guarded against; the diet of the residents was, as far as practicable, regulated; the men were strictly confined to barracks after evening roll-call, and were forbidden to go into the low and infected parts of the town; amusements were encouraged in the vicinity of the barracks; every endeavour was made to procure a cheerful compliance with the requirements insisted on, without exciting fear; and there was a medical inspection of the men twice, and of the women and children once, daily. The influence of the epidemic poison upon the troops was demonstrated by the fact that, among 519 persons, the total strength of the garrison, there were 451 cases of premonitory diarrhœa, of which 421 were among the men, irrespective of the officers, women, and children, the attacks being in some instances obstinate, and recurring more than once. Yet, such was the success of the judicious measures which had been adopted, that no case of cholera occurred within the barracks during the whole period of the epidemic; and every case of diarrhœa was stopped from passing on to the developed stage of the disease; while in Newcastle, there were upwards of 4,000 attacks, and 1,543 deaths."

The authorities at Tynemouth had also taken the proper precautions by cleansing the lodging-houses and the courts, and in a very short time they had carted away no less than 1,500 loads of refuse from the town. The proceedings of the local board of health had been greatly assisted by the cordial co-operation of the board of guardians of that place. He would refer their Lordships to a document which showed that one of the remedies which could be most advantageously applied to the prevention of the cholera was a minute and careful carrying into effect of the provisions of the Common Lodging-houses Act, by diminishing the number of lodgers, by whitewashing the rooms, and by instituting all those precautions which the Act gave power to institute with regard to lodging-houses. If this were done, it was surprising to what a degree liability to the disease might be prevented. A remarkable instance of the truth of this statement was contained in the official Report which had been presented with regard to the Common Lodging-houses Act. "By the operation of that Act," said that Report, "disease had been wonderfully abated; fever had been nearly abolished." Testimony to that effect had been received from several large towns, but that from Wolverhampton, in June, 1853, was the most remarkable. Out of 200 lodging-houses in the district, frequented by 511,000 persons annually, not one case of fever or contagious disease had occurred since the Act had been in force—namely, from July, 1852. It was most desirable that the local authorities of each district should be required to take the proper precautions in time. The Board of Health had been enabled to carry into effect improvements such as these in many instances, but delay and confusion in doing so had been unavoidable in a number of cases. Many of the boards of guardians to whom they had applied would pay little or no heed to the danger in which they were placed until the disease was actually upon them, and then nothing could equal their confusion. Message after message would be telegraphed to London, asking, for heaven's sake, that a medical man might be sent them. Sometimes nine or ten medical men would be required in one day, when the Board had not two to dispose of. If those boards of guardians had taken warning in time there would have been no confusion and no panic, the local guardians would have had their own medical men on the spot, the system of house-to-house visitation would have been in operation, and the proper regulations would have been carried into effect. When the disorder broke out at Newcastle, washing and cleansing was immediately commenced, numbers of medical men were appointed, reports were made, and all the proper regulations adopted; but when the disease left the town, the services of the medical men were dispensed with, cesspools were again built, the board of guardians went to sleep, and nothing whatever was done, so that if the cholera should again break out suddenly, as it probably would do, by the occurrence of 400 or 500 cases of diarrhœa and 40 or 50 deaths in one locality, there would be the same confusion and perplexity and difficulty in meeting all the necessary requirements over again. It was perfectly true that the Board had the power of enforcing certain regulations by prosecuting the boards of guardians; but if they summoned all these boards before magistrates, and proceeded against them by way of indictment, their whole time would be taken up in carrying on prosecutions, to the neglect of their own proper functions. Besides, it was thought a very invidious thing to prosecute a board for not having made preparations when the danger was not at hand, for it would then be said that they ought not to be obliged to incur unnecessary expense; but when the disorder really came it was almost too late to prosecute. Upon various occasions in 1848 and 1849, when the Board of Health did institute legal proceedings, and summoned a board before a magistrate, the case was argued, and the magistrate, seeing that it was a difficult one, adjourned it to another day, when it was again argued. But the cholera would not wait, and carried its ravages in the district to a frightful extent, while they were debating whether cesspool A or B should be closed, or whether certain streets should be washed. While the magistrate was deliberating the cholera would go on doing its deadly work, and by the time the magistrate had given his decision it would have left that district and gone to another, and carried off its victims there also; in which case similar proceedings had to be repeated before the magistrates of the second locality, and the same delay in arguing, deliberating upon, and deciding upon the question at issue had to be gone through, whilst all the time the deadly work of the disease was going forward without check or pause. He said, from the experience of the Board of Health, that new powers ought to be given to the central authority (putting out of view for the present the question of permanent works) to enable it to deal with cases of emergency similar to the present, or with still more pressing cases which might arise. The powers required, with adaptation to Scotland, would be, power for the central authority, after a certain time, to give orders that the necessary things be done, with power to charge the expense on the board of guardians. This would be necessary, because, while a case was being argued before a magistrate, cholera would be doing its work. Next, the central authority ought to have power to direct that houses of refuge be provided by single or united parishes, to receive the sound and healthy part of the population of any affected locality, or, when it should be considered advisable, to reduce the population of an overcrowded district; and power to order the evacuation of houses unfit for human habitation, and to forbid return until after a report by the medical officer. There were two or three very good reasons why houses of refuge ought to be provided for the healthy and sound part of the population. In the first place, great care must be taken not to raise any notion in the minds of the people that the cholera was a pestilence, and therefore a contagious disease, and that none who valued their life and health would go near those who were afflicted with it. In the next place, when a person was afflicted with the disorder, his greatest hope of recovery was to remain quiet in the place where he was attacked, as nothing could be more dangerous than removing him. A recumbent posture and perfect tranquillity were necessary, and, in many instances, a state of collapse had been produced merely by raising a person in his bed to give him momentary relief. It was also necessary that extreme overcrowding should be prevented. The late epidemic had brought before the public eye a fact well known to those who had considered the subject, the large pecuniary loss inflicted in various ways on the community by preventible disease, and the heavy avoidable sufferings of the working classes. That much of this loss and suffering might have been prevented was shown by the fact that in all the model lodging-houses in London, although a few cases of diarrhœa had occurred, there had, he believed, been only one fatal case of cholera. In order to show the evil effects of over-crowding, and the necessity of improved dwellings for the humbler classes, he would mention only one instance. There was one court in that City, which was extremely overcrowded. One of the inspectors of the Board of Health visited it in 1849, who reported that the court was so narrow, and its population so dense, that he was quite convinced, if cholera broke out there, it would commit the most terrible ravages. The Board of Health addressed a letter to the board of guardians, urging the expediency of removing a portion of the population, and stating their conviction that by so doing they would, in all probability, escape a large pressure on their finances. The board refused to accede to their suggestion. In three days the cholera broke out, and carried off several heads of families, leaving widows and children behind them. On one day twelve orphan children applied for admission to the workhouse, and have since become a permanent charge on the rates. He firmly believed that, if the guardians had followed their advice, the pressure on their finances would not have been one-fifth of what it has proved. He was now anxious to bring a most important document under the attention of the House. It was the last Report of the Royal College of Physicians, from which it appeared that from recent experience they had changed their former belief, and had recorded their final conclusion in the following words:—

> "Cholera appears to have been very rarely communicated by personal intercourse, and all attempts to stay its progress by cordons or quarantine have failed."

When a contagious disease prevailed, no one could form an idea of the sufferings which were inflicted on the wretched few whom it had pleased Providence to afflict with it, for they were left to die without any assistance from their friends and relations, who had not sufficient courage to discharge the last duties to them. The opinion he had quoted of the College of Physicians was, therefore, of the greatest importance, as it showed that the cholera was not contagious. The Report went on to say:—

> "From these circumstances the Committee, without expressing any positive opinion with respect to its contagious or non-contagious nature, agree in drawing this practical conclusion—that in a district where cholera prevails no appreciable

increase of danger is incurred by ministering to persons affected with it, and no safety afforded to the community by the isolation of the sick."

This was a most important document, considering the experience and the science of the persons whose opinion it expressed. There were but two more papers which he had to bring before their Lordships' notice, and he would ask their indulgence while he did so, because it was most important that they should know the precise position in which they now stood. Among the other effects of the cholera, its effects upon the trade and commerce of the kingdom were most pernicious, and it produced great financial suffering, which visited a great number of people. He held a very curious return, out of which he would select only a few instances, although hundreds of similar ones might be adduced. It was a statement which had been made to the Board by several tradesmen in Newcastle with regard to their losses in trade consequent upon the visitation of the cholera, showing the decrease which had taken place in their business in the six weeks ending October 15, 1853, as compared with the corresponding period in 1852. One person, a carpet warehouseman, stated that he had lost during that period 179*l.* Another firm, grocers and wine and spirit merchants, estimated the falling off in their receipts at no less than 20 per cent. They remarked that—

> "Had it not been for the increased demand for wines and spirits the depreciation would have been much more. The falling off in the tea and grocery business during the last three weeks of the cholera was nearly 50 per cent."

One draper had lost 70*l.*, and another 14½ per cent, and he added that "had it not been for the unprecedented demand for mourning the loss would have been 50 per cent." The railway company estimated their loss at 3,000*l.* and a hotel-keeper had lost 25 per cent on 1,200*l.* Trade ceased so entirely that provisions were scarcely to be had, and actually at one time bread was becmoing scarce, while milk was not to be purchased because the people in the country were afraid to approach the town where the disease was raging. The last fact he would mention would show how much not only the working classes, but the community at large were interested in this subject. The total number of deaths from cholera in 1848–9 in Great Britain and Wales was not less than 90,000, of whom almost 30,000 were supposed to have been heads of families in the prime of life, and numbers of children must therefore have been deprived of their fathers or their mothers, husbands of their wives, and wives of their husbands. Let their Lordships imagine the suffering and misery this must have involved. How unhappy was the position of a father left with a number of children deprived of a mother's care, or of a mother with a fatherless family, or still more, that of the wretched children deprived of both father and mother, as had been the case in many instances, with no prospect but the workhouse! This ought to be a great warning to them, and showed that they ought to do everything in their power to provide against the next visitation. They ought without delay to establish every permanent work that could be required with a view of meeting the next visitation, and, if they did not, let them see what would happen to this country. The epidemic had been raging on the Continent, at Copenhagen, at Stockholm, and at Warsaw; and, if the mortality in England in 1848–9 had been in the same proportion as the mortality at Christiana and at Warsaw in the present year, the number of deaths in Great Britain and Wales alone would have amounted to 591,451. Was this a state of things to look forward to with complacency at a moment when we had not in the country a single able-bodied man more than we required? He hoped that he had stated enough to excite the attention of statesmen and to arouse the attention of the country to this important subject.

EARL GRANVILLE said, Her Majesty's Government had no objection to produce the returns which had been moved for by the noble Earl. He would not attempt to follow the noble Earl through the clear and able account he had given as to the state which the country was in at the moment with regard to the future prevention of cholera. With regard to the superior arrangements which existed at Paris, he could speak from his own experience of their immense superiority over our own; but when his noble Friend went so far as to say that day after day he had gone in search for nuisances, he would suggest that if his noble Friend had extended his search to night after night, it might have been more successful. The question now was, could anything be done which would lead to the object they all had in view? And he could not help observing, in the name of all his Colleagues, how fully they appreciated the advantages of such statements as those which had been made by the two noble Earls who had so clearly drawn the attention, not only of Her Majesty's Government, but also of the public, to the question. He thought a good effect would be produced by what had fallen from the noble Earl with regard to the necessity of local authorities attempting to do something for themselves, and the dreadful responsibility that would weigh upon them if they did not do what was within their scope. With regard to what had been done by Her Majesty's Government, he would state that the noble Lord the Secretary for the Home Department had been in communication with both the noble Earls who had spoken to-night, and had acquired information from different parties as to the best mode of proceeding under this emergency. The extraordinary powers which had been given to the Board of Health during the last six months had, by an Order in Council, been continued for another six months. There had certainly been some complaint made on the part of the mercantile marine, that, in consequence of this official indication of the cholera, ships were subjected in different parts of the world to vexatious quarantine regulations; but informed, as his noble Friend had been, not only by the Board of Health, but also by the most eminent physicians in the metropolis, of the practical results of their inquiries, he thought he could not discharge his duty otherwise than by extending those powers, and at this moment he was seeking what further powers it would be advisable for Government to grant which would not interfere too much with local authorities, and which would also receive the sanction of local opinion.

Lord BEAUMONT wished to ask the noble Earl why measures had not been taken to suppress some evident nuisances? Was it not possible to indict parties possessing manufactories of manure and other equally nasty trades? Why did not the Board of Health indict them?

The Earl of SHAFTESBURY: The Board of Health have no power.

Lord BEAUMONT said, that an indictment might be preferred by a private person, and why not by the Board of Health? If they had not the powers a Bill should be introduced for the purpose of conferring them.

The Earl of SHAFTESBURY: The Board had no funds, and an indictment was a very slow and uncertain process. His noble Friend the head of the Home Office was devising a mode to meet the difficulty, and a Bill should be introduced declaring these trades to be nuisances and abominations. Health and life should not be endangered for any pretended necessities of trade.

The Earl of HARROWBY remembered a case in which the corporation of Liverpool had been for many years engaged in an attempt to suppress a nuisance. They had spent thousands of pounds, and the case had been carried from court to court. If such a powerful body experienced so much difficulty, what would be the fate of a private individual? Cases of this kind required some dictatorial power. He was now quite satisfied to leave the matter in the hands of the Government. Public attention was now aroused. When the cholera last raged, every person was alarmed, and many precautions were taken, but the feelings passed away with the danger; however, he hoped permanent precautions would now be adopted.

Motion *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 9, 1854.

Minutes.] Public Bills, — 1° County Court Extension Act Amendment; Exchequer Bills (£1,750,000.)
2° Marine Mutiny.
3° Consolidated Fund (£8,000,000).

THAMES IMPROVEMENT BILL.

Order for Second Reading read.

Mr. BROTHERTON Moved that the Bill be read a second time on Tuesday, the 2nd of May.

Mr. BOUVERIE said, it was his intention to Move, as an Amendment, that the Bill be postponed till that day six months. The Bill was one of the most extraordinary character. It proposed to establish a body of Commissioners—gentlemen entirely unknown to public fame, and who wished to be self-constituted—empowering them to take possession of the whole bed of the Thames from London-bridge to Westminster, together with all the enormously valuable property lying upon the banks of the river between these points, and to construct embankments—one of them to be a railway—upon both sides of the water. Moreover, it proposed to do that without any funds whatever, there being not one word in the Bill of the means by which this great work was to be completed. The details of the measure were also highly objectionable. For example, one of its provisions was that, within three months after the passing of the Act, parties having claims to the bed of the river should give notice to the Master of the Rolls, and that if such notice should not be given their claims would be considered entirely foreclosed. The Master of the Rolls very naturally objected to have that duty cast upon him; and altogether the Bill was of so novel and objectionable a character that he trusted the House would consent to its being postponed till that day six months.

Amendment proposed to leave out the words "Tuesday, the 2nd day of May next," in order to add the words "this day six months" instead thereof.

MR. APSLEY PELLATT said, the reason why the promoters of the Bill wished the second reading deferred till the 2nd of May was to allow the engineer an opportunity of returning from abroad, and of making such explanations as he might consider necessary. Certainly, the Bill had considerable merits, and he believed the inhabitants on both banks of the Thames had no objection to it whatever. The proposed embankments would be a very great improvement, and he understood the entire project arose out of the evidence taken before the Committee of 1852. He believed that, if the provisions of the Bill were to be carried into effect, not only would one side of the Thames have the convenience of a railway, and the other be supplied with an embankment—which, he might state, in passing, would not interfere with the ornamental parts of the river bank, such as the Temple gardens—but the river itself would be better cleansed, its course would be made more uniform in breadth, and the navigation on the whole would be greatly improved. He hoped, therefore, the House would not reject the Bill without further consideration, especially since the Government entertained a friendly feeling towards it.

MR. J. WILSON said, the view of the Government was this—while they thought the Bill very objectionable in its present shape, they had no objection to its being postponed till the 2nd of May.

LORD LOVAINE said, he considered the Bill as one of a most arbitrary nature. It proposed to appoint arbiters to assess what they might deem the improved value of the property on both sides of the Thames, after the Commissioners should have diverted it to their own purpose, and then to come upon the owners of the property for the price of the improved value. Besides, the whole of the trade and commerce of the river was to be limited to four hours out of the twenty-four; he trusted, therefore, the House would reject it.

MR. BOUVERIE said, it would be useless to postpone the Bill till the 2nd of May, because he understood there was no likelihood of any new arrangement being made, and the owners of property on the banks of the river were naturally anxious to have the matter settled at once.

Question, "That the words proposed to be left out stand part of the Question," put and *negatived.*

Words *added:*—Main Question, as amended, put, and *agreed to:*—Bill *put off* for six months.

VANCOUVER'S ISLAND.

SIR JOHN PAKINGTON said, he rose pursuant to notice, to *present* a petition, which was numerously signed by residents of Vancouver's Island, each of whom stated their place of abode, their profession, and the nature of their connexion with the Island, and he, therefore, had as much reason to believe as any person presenting a petition could have, that the signatures were authentic, and that the petition actually proceeded from a considerable body of the most respectable inhabitants of the Island. The petition stated that the grant of the Island to the Hudson's Bay Company for five years was about to expire, and it complained that many persons were prevented from settling in the Island by the high price of land, and the want of a better and more settled form of government; it prayed that the Island might be taken under the Imperial Government, that a Governor might be appointed by this country, and proper Courts of Justice established; it suggested the form in which the petitioners would desire to have the Executive and the Legislative Council established; and it concluded by praying that the Legislature would give its earnest attention to provide a remedy for the evils complained of. He would also take that opportunity of asking the hon. Under-Secretary for the Colonies whether the connexion between the Hudson's Bay Company and Vancouver's Island had yet terminated; and whether it was the intention of Her Majesty's Ministers to establish a new form of Government in the Colony of Vancouver's Island when that connexion has ceased?

Mr. FREDERICK PEEL replied, that the connexion between the Company and the Island was not about to terminate, nor was it likely to do so, for the Government had no power to remove the Company, unless it could be shown that no settlement was established in the Island, and that, he thought, was disproved by the petition the right hon. Gentleman himself had just presented. The Company were merely proprietors of the Island in trust for the settlers; but it was by no means indispensable that there should be any connexion between the Company and the Governor of the Island. It was true the commission of Governor was now held by an agent of the Company, but it was open to the Imperial Government to appoint an officer independent of the Company if they pleased.

PROMOTIONS IN THE ORDNANCE OFFICE.

Mr. MACARTNEY said, he begged to ask the hon. Gentleman the clerk of the Ordnance whether, previous to the promotion of Mr. Samuel Silver Garret over the heads of ten gentlemen of senior standing in the Ordnance Office, any examination was instituted to test his superior qualification; and if not, whether his name had been duly submitted to the Master General to authorise so unusual a proceeding; and, further, whether Mr. Garret, being a practising conveyancer, does not transact professional business at the Ordnance Office during the hours allotted to the public service?

Mr. MONSELL said, before proceeding to answer the questions of the hon. Member for Antrim, he thought it only just to the ten gentlemen over whose head Mr. Garret had been promoted to state publicly to the House what the gentlemen referred to were already well aware of, namely, that it was not on account of their inefficiency or want of zeal, but on account of the superior zeal and the superior efficiency of Mr. Garret to discharge the duties of the situation he now held. The first question asked by the hon. Member for Antrim was, whether, previous to the promotion of Mr. Garret over the heads of ten gentlemen of senior standing in the Ordnance Office, any examination was instituted to test his superior qualification? He begged to inform the hon. Gentleman, that with regard to promotion in the Ordnance Office, it was not the practice to have any previous examination, but promotion was granted on the chief clerk's certificate of fitness. Mr. Garret's talent, energy, and habits of business had been already sufficiently tested, they had come under the notice of his superior officers, and he was now rewarded. The second question of the hon. Gentleman was, whether the name of Mr. Garret had been duly submitted to the Master General to authorise so unusual a proceeding? The promotion of officers in the Board of Ordnance was made without first submitting it to the Master General. Though the clerk to the Ordnance had the undivided responsibility of making the appointments, he begged to inform the hon. Member for Antrim that Lord Raglan, the Master General, had authorised him to state, that he entirely concurred in and approved the course he (Mr. Monsell) had taken in promoting Mr. Garret. The third question of the hon. Gentleman was, whether Mr. Garret, being a practising conveyancer, did not transact professional business at the Ordnance Office during the hours allotted to the public service? Mr. Garret conscientiously affirmed that he did not, though he had occasionally answered during such hours legal questions put to him by clerks in the office, but none other. The official duties and correspondence of this branch of the service were never in arrear, and they were of too exorbitant a nature to admit of interruption by transacting professional business during the hours allotted to the public service. Mr. Garret had ever felt that the public service was a matter of paramount importance, and had frequently been ready to volunteer assistance when not absolutely called upon. During the last twenty-one years, Mr. Garret's absence on leave had not averaged eight days annually, though the period allowed was thirty-three days. The hon. Member for Antrim would have been saved the trouble of putting these questions if he had taken the trouble to look at the Report of the Committee appointed to inquire into the Board of Ordnance, which had been presented to Parliament, and in which the Committee expressed their satisfaction at the principle of selecting efficient officers for promotion in the place of promotion by seniority.

MINISTERS' MONEY, &c. (IRELAND).

Mr. FAGAN said, that since 1847, when he first had the honour of a seat in that House, he had on five different occasions brought the question of "Ministers' Money" under its attention, with the view to its abolition. He then rose for the sixth time to make a similar Motion. He did so, with the same desire that ever animated him, namely, to avoid all sectarian discussion—not to wound the religious susceptibilities of any Member—to steer clear of everything which would produce irritation or strife. It was not necessary for his purpose. He was there the advocate as well for the Protestant clergyman, who received the obnoxious stipend, as for the Roman Catholics and Dissenters who were forced to pay that anomalous and unjust impost. He called it "anomalous and unjust" advisedly. Was it not an anomaly, that eight towns in Ireland should alone be subjected to this imposition? Why should Cork be liable to it, and Belfast free? Why should Limerick be compelled to pay it, and Londonderry exempt? Why should the inhabitants of Waterford be subject to the odious impost, and the town of Enniskillen escape? Why should Kilkenny, Clonmel, Drogheda, and Kinsale, be forced to maintain by taxation the Protestant minister, and the towns in Ulster be exempted? And this anomaly is to be continued, and his Motion, which was to get rid of it, was to be resisted. An anomaly somewhat similar exists in Scotland; but the Government brought in a measure, which professed to get rid of it, and would have got rid of it, did the substitute which was proposed meet the views of the Dissenters? In the city of London this anomalous tax exists, but it exists founded on an agreement between the clergy and their parishioners, so far back as the year 1200, as a substitute for the oblations which on festival days it was then the custom to make at the churches, for the support of the clergy. In Ireland, then, the anomaly exists in all its deformity, for there it is upheld, and there it is accompanied by injustice. Can anything be more unjust than that the eight most Catholic towns should be subjected to pay a tax for the support of the Protestant incumbent, while the Protestant towns of Ulster and elsewhere should be exempted from its imposition? Nay, more—that the poor Catholics in these Catholic towns should pay more in proportion to their means than their Protestant fellow-citizens? Can anything be more unjust than to force a man against his conscience to pay for the support of a minister with whom he held no religious communion, and who was in the habit from his pulpit of denouncing the religious doctrines of those who supported him? But he would not on that point express further any opinion of his own. Being a Roman Catholic, and conscientiously dissenting from the doctrines of the Established Church, he might be considered prejudiced. He would rather quote to the House the opinions of a staunch Churchman—a Member of that House—the heir to the honours and name of Derby. He meant the noble Lord the Member for King's Lynn (Lord Stanley). That noble Lord's father abolished church rates in Ireland, and he, following in his footsteps, proposed in a very able pamphlet to free the Dissenters from the imposition. Let him quote to the House a few passages from that *brochure* expressive of the noble Lord's opinion of the injustice of coercing parties who dissent from the Church of England, to pay for her support. In the extracts he would venture to substitute ministers' money for church rates, and the case of injustice he was endeavouring to make out would be fully established from the lips of the noble Lord. The noble Lord says:—

> "It can scarcely be said that a churchman taxed for the support of his own church, while attending its duties and profiting by its instructions, is thereby exposed to any injustice. With the Dissenter the case is different. He pays that others may profit by the payment extorted from him."

He further observes:—

> "It is probably the wish of every one—it is certainly the wish of every Conservative to remove from our legal and social system whatever tends to break up the community into hostile sections, whenever such removal can be effected without involving the sacrifice of important national interests. In the present instance, by the exemption of Dissenters from church rates—(read ministers' money)—no national interest will be sacrificed—a very trifling pecuniary loss will be inflicted on the church establishment—the church will gain in return the respect, or at least the neutrality, of numerous classes now arrayed in bitter hostility against her—a prominent cause of dissensions and heart-burnings everywhere felt, but felt more especially in provincial cities and boroughs, will disappear; and from the English Statute-book, the stigma of an ancient and still existing injustice will be washed out. The clergy of the establishment will no longer be driven to choose painfully between their sense of professional duty, leading them to seek the enforcement of the law, and their desire to maintain peace, which can only be done by letting the law rest in abeyance. * * Local agitators will lose their best stock in trade—a grievance, and a mark of inferiority, at once invidious and unprofitable assumed by one religious denomination over another, will have ceased to exist."

Again, the noble Lord says:—

> "The vast amount of the revenues enjoyed by the establishment is not, as far as I know, contained in any statistical return, but they are gene-

rally understood to fall little short of five millions yearly. Is a sacrifice of one-fiftieth of this sum (namely, the amount of church rates paid by Dissenters) too much to make if not to justice, yet to a policy of pacification."

It was the same amount of sacrifice—one-fiftieth of the Irish Church revenues, which he (Mr. Fagan) asked the Church to make, if not to justice, yet to a policy of pacification. The noble Lord then makes this strong allusion:—"To me, at least, the claim of the Nonconformists to be exempted from ecclesiastical taxation, appears unanswerable." Thus, from the pen of the noble Lord, he had fully proved the injustice of taxing Roman Catholics and Dissenters for the support of the clergy of the Established Church. Well then, the injustice being admitted, why is it continued? There are, as far as he could ascertain, but two objections to its abolition. The first is, that the funds of the Ecclesiastical Commissioners, where it is proposed to find a substitute, are not adequate for the purpose, and scarcely adequate for the purposes for which that commission was instituted; and the second is, that the church ought not to be called upon to make a present of their property in ministers' money to individual owners of house property. He would apply himself to the first objection, in the first instance, and here he would read a passage from the report of the Select Committee on ministers' money, which sat in the year 1848:—

> "Your committee think it incumbent upon them to state that an augmentation of the funds of the Ecclesiastical Commissioners may be rendered available as a substitute for ministers' money, and recommend that, with that view, an amendment of the Church Temporalities Act may be made. Your committee are aware that the adoption of this measure will involve the interposition of a new trust, and the postponement or relinquishment of some of the ulterior objects contemplated by the Church Temporalities Act; but any objection founded on the displacement of the original objects of the Church Temporalities Act will be more than countervailed by the great advantages which, in a social, moral, and religious view, will arise from the removal of an obstacle to those feelings of amity and goodwill, which it will be essentially conducive to the general interest of the country to encourage between the working Protestant clergy and the great body of the community, amongst whom, in the cities and towns of Ireland, their duties are usefully and honourably performed."

Now what was the state of these funds, as compared to the present time, in 1848, when that recommendation was made by a committee of that House? He would first take the three great sources of permanent revenue, see estates, suspended dignities and benefices, and the tax upon bishoprics and benefices:—

	1848		1853
See estates, ...	£32,683	...	£61,521
Suspended dignities and benefices,	11,531	...	16,609
Tax on bishoprics and benefices, ...	7,541	...	10,157
Total, ...	£51,574		£88,287

or nearly 37,000*l.* a year increase without including the increase caused by the recent death of the Archbishop of Armagh. Again, he would take the entire permanent revenue of the Commissioners including, together with the three sources he had already stated, dividends from the funds, interest on perpetuity mortgages, the payment of 4,239*l.* a year from the see of Derry, and private subscriptions for church buildings. This permanent revenue was estimated by the Commissioners in 1848 at 71,574*l.*; and in 1852 it came to 90,677*l.*, and last year to 101,869*l.*, being an increase of 31,000*l.* a year since 1848, and of 11,000*l.* in one year from 1852 to 1853. Besides this, the debt to the Government in 1848 was 40,000*l.*, and for years back the Commissioners appropriated to its payment 10,000*l.* a year—that debt is now discharged. The Commissioners not only were enabled to purchase into the funds 44,000*l.*, but also to pay over 20,000*l.* to the Government. Thus then there will be in future 10,000*l.* a year more than heretofore available for the purposes of the Church Temporalities Act, or over 40,000*l.* a year more now than in 1848, when a Select Committee recommended the Protestant ministers in these eight towns to be paid, as the Dublin curates now are, out of these ecclesiastical funds. In 1848 Mr. Quin, the able Ecclesiastical Commissioner, estimated the full future increase of their revenues at the sum of 44,857*l.* This included a sum of 18,744*l.* which he expected to be realised when the sales of perpetuities were completed. Now, the income from that source amounts but to 2,200*l.* a year, and therefore, according to Mr. Quin's calculation, there is over 16,000*l.* to come in from that source. Indeed there is more than 600,000*l.* in money value yet unsold, and here he would refer to another recommendation of the Select Committee. It is thus:—

> "The large item of 18,744*l.* in his, Mr. Quin's, estimate will be the result of the sale of land, which the tenants of episcopal estates are empowered to purchase. Its realisation depends at

present upon the disposition of the tenants to buy, and is therefore in some degree contingent. But by an alteration of the law, and by holding out inducements to purchase, or by putting up the land to public and general sale, the contemplated increase might be readily accelerated."

Now, following up that recommendation, he had year after year endeavoured to point out how by altering the mode of estimating the purchase of these perpetuities, and by giving a large bonus to purchasers, that enormous sum which, yet outstanding, and without benefit to any one, could be speedily brought in instead by the following amount of 3,000*l.*, which is now the annual sum allowed for sales of perpetuities, instead of 40,000*l.* as formerly. However, he now abandoned to the Commissioners themselves, or to the Government, that part of the question. It was no longer necessary for this purpose. The funds were now amply sufficient as they stood—they were 40,000*l.* a year at the disposal of the Commissioners, more than in 1848—and all that he sought to place on them was about from 12,000*l.* to 14,000*l.* a year. He, therefore, would not trouble the House with that complicated branch of the inquiry. It may be said, and indeed is said, that though the funds of the Ecclesiastical Commissioners have so enormously increased, that still they are not adequate for their present purposes without this new appropriation. Well, all he would say to that statement was, that it appeared to him inconsistent with the fact that the Commissioners were every year making large purchases into the funds, and also inconsistent with the fact that the expenditure in 1847 was 67,677*l.*, whereas, in 1852, with an enormous increase of revenue, the expenditure fell down to 54,214*l.* It is true that last year (1853) it reached 80,000.; but the Commissioners state that enormous outlay was incurred with the view to economy in future years, and that for the future it will, in consequence, be largely diminished. And again comes the question, is all the expenditure easily and prudently incurred? With that branch of the subject he was not acquainted; but he had received a letter from a gentleman, a magistrate of the county of Cork, and a Protestant, in which he pointed out that it was owing to the Commissioners having built churches sixtravagantly large and in the most expensve manner. It is not unreasonable to uppose that the same system is pursued through Ireland, and if it is, it is easy to account for the want of funds by the Ecclesiastical Commissioners. He hoped he had now satisfied the House that there were ample funds at the disposal of the Ecclesiastical Commissioners for all the purposes of the Church Temporalities Act and for ministers' money in addition. He had shown them how, since 1848, when a Select Committee had recommended a substitute for that tax to be found in these funds—how they had increased over 31,000*l.* a year—nay, over 41,000*l.* for the purposes of expenditure—while from 12,000*l.* to 14,000*l.* would be the utmost of the increase of expenditure arising from the abolition of ministers' money. He had shown them how the expenditure had lessened, while the revenue had increased—and how money unemployed was vested in the Government securities—and he gave his authority for suggesting the inquiry, whether the expenditure just now was not extravagant and wasteful. He would now come to the second objection—namely, that the church had no right to be asked to make a present of its property to the owners or occupiers of house property in those eight corporate towns, who either purchased, or built, or tenanted these houses, with a foreknowledge of this tax, had their calculations accordingly. Well, this kind of argument would tell against any Legislative improvement whatever, because there is scarcely anything of the kind ever effected without injuring or wronging individuals; and if no real public good was ever achieved, because it benefited some at the expense of others, nothing would ever be done. The very Church Temporalities Act itself, which took possession of the property of ten bishops' sees—that taxed the beneficed clergy—and the perpetuities of bishops' leases—took possession of suspended livings—would never have been passed, because it made a present of 70,000*l.* a year church rates to the owners of house properties in Ireland. The tithe rent charge as a substitution of tithe composition, which was equally secured on the land, would never have been law, because it made a present to the landlord of one quarter of what belongs to the Church. If that argument held good, church rates wold never be abolished in this country; and yet Lord Althorp proposed their abolition, and proposed a portion of the land tax and of the church lands as a substitute. Sir Robert Peel was for giving those rates to the owners and occupiers of house property, and placing them on the Consolidated Fund, and Lord Monteagle, when Chancellor of the Exchequer, carried a resolution to the effect that in lieu of church rates "a permanent and adequate provision should be made out of an increased value to be given to the church lands." Why even the Bill of the Chief Secretary for Ireland made a present of nearly one-half the ministers' money tax, to the owners of house property, in some of the towns subject to the tax. Thus he would dispose of the second objection with this further observation, that most of the house property belongs to Roman Catholics. According to Lord Stanley and every lover of justice they had a claim for this exemption. Again, it should be recollected, that the Ministers' Money Act was passed by the most violent anti-Catholic Parliament that ever sat—a Parliament elected purposely for hostile purposes against the property of Roman Catholics; and so much was the iniquity of this act felt, that in a few years after James the Second's Parliament, after his abdication, and when he was *de facto* ruler of Ireland, repealed it. He was anxious, before he sat down to say a few words on the Bill announced by the Government last Session. His right hon. Friend (Sir John Young) would believe what he now stated, for he was aware that he (Mr. Fagan) had incurred some odium for having expressed his determination to give that Bill a second reading with a view to amending it in Committee. Now he assured his right hon. Friend that, without a single exception, every town affected by that tax was for the rejection *in toto* of that Bill. Why then, it might be asked, was he (Mr. Fagan) for giving it a second reading? Because, as the Bill proposed to relieve the poorer classes from the tax, he did not feel he was justified in keeping the tax on them, the more particularly as he knew it would in no way lessen his chance of success in striving to get rid of the entire; and, even if that Bill had passed into a law, he would at this very moment have been moving for total repeal and he ventured to say that he would have had as large a division as he should have that night, because the principle was the same whether 15,000*l.* or 5,000*l.* was the amount of the tax, or whether or not the poor were exempted. The dissenting body in that House, and those for religious equality, were the parties from whom he expected success, and by them he would have been supported on principle whether the poor were free from the imposition or not. On the other hand, so long as the Tories, who were for not giving up a penny, though they may alter the incidence of the tax, united with the Government, nothing would be got but what the Government desired. That was a different question from the conversion of the tithe composition into tithe rent charge. In that case he fully admitted that but for that conversion, tithes would stand the national shock another year; and though he always appreciated Mr. O'Connell's humane and patriotic motives for the course he took, he was still persuaded that, with the excitement then produced by a whole people in arms against it, the system could not have continued. But the matter is different with ministers' money. In that case there never was any popular excitement, and the Bill of last year would not have removed a single person from the existing agitation. These were his reasons for the course he intended to have pursued last year. However, he was not sorry that the Bill had not passed, because he felt a hope the Government would take a more liberal view of the subject. Their Bill of last year would never get rid of the discussion in that House or out of doors; it would never prevent the heart-burning and irritation that existed. It was said that the Home Secretary (Lord Palmerston) was about to take up the question of church rates in England. With what consistency could that be done, while the equally odious impost was pursued in Catholic Ireland? He would appeal to his right hon. Friend, the Chief Secretary of Ireland. He did not speak of him because he was present, or because he was a member of the Government, or because he had received from him in his public capacity much of courtesy and attention; but he spoke of him independently of those considerations, and he fearlessly expressed his conviction that there never was a better Chief Secretary for Ireland if he would follow his own impulses. There was no better Irishman, or one more anxious for the welfare of Ireland; and though he knew he was an ardent churchman, still if left to his own feelings, he would remove this grievance, and take away this crusher from the establishment. He appealed to him earnestly and warmly at length to accede to the petitions of his countrymen, and allow this odious tax to be abolished. He appealed to the Government not to reject this proposition. He knew that its rejection would not prevent the Irish people rallying round their sovereign at this juncture. It would be absurd of him to make such a statement. But, this he knew, that all these denials of justice without cause were deeply injurious. One-fourth of the sailors of their navy, being Roman Catholics, were prevented worshipping God according to their consciences on ship-board, and were denied when dying for their country the consolations of religion, because it was said none but the State religion could be recognised in the navy. Again the temporalities of the Church of Ireland could not be interfered with, because it was part and parcel of the Church of England. Well, these were the reasons alleged by statesmen for these denials of justice. But what reason would be given for preserving this paltry tax to irritate and annoy? None whatever, of any kind or substance. He appealed, then, to the Government to adopt his proposition. He appealed to the great party opposite, who, when in power, advised Her Majesty, in Her Speech from the Throne, to call on Parliament to redress the great grievances of Ireland. Here was a just and proven grievance; and, if they were sincere, he demanded their votes in favour of his Motion.

MR. HUME said, he would second the Motion, because, should any objection be taken to his hon. Friend the Mover, being a Roman Cacholic, the same objection could not be taken to him (Mr. Hume). Ever since he entered the walls of that House this had been one of the constant themes of complaint on the part of the Roman Catholics of Ireland. The existence of church-rates and ministers' money in Ireland depended entirely on the same principles, and ought to have been abolished at the same time. He thought, if ever there had been a means through which religion had been made the cause of disunion in a country, the present grievance was one. Instead of religion bringing peace upon earth and goodwill among men, they had, for a paltry sum of a few pounds, kept a perpetual blister, as he might call it, upon the Roman Catholics of Ireland. The Irish church-rates were removed, from the conviction that it was absolutely necessary to do away with every cause of discontent in religious matters, and he thought that that man would prove the greatest friend to the Established Church who could show that, as there were means to remove church-rates, so there might be to remove this tax. A tax to be just ought to be general; but this was confined to a few towns; and, surely, if it could be shown that injustice was heaped on the head of Roman Catholics, the sooner they could remove it the better; the longer it continued, the greater was the disgrace. It had been most unwisely continued, and how they could think of removing church-rates and leaving this was to him most surprising. Neither side of the House, when in power, had the courage to act honestly. He would appeal, therefore, to the House to act independently. It was not a party question. It was a question whether Ireland should be at peace with England, and whether an insignificant cause of discontent should be continued when there were ample funds for its removal. It was a badge of servitude—it was a badge of oppression—and ought to be removed, and he appealed to those who were friends to the Irish Church to remove it. He appealed to the right hon. Gentleman the Chief Secretary for Ireland to show, by supporting this Motion, that he was desirous of placing the Roman Catholics on an equal footing with the rest of the community.

Motion made, and Question proposed—

"That this House will, To-morrow, resolve itself into a Committee to take into consideration the Law relating to the Rate or Tax called 'Ministers' Money' in Ireland, with a view to repeal the same; and further, to provide a substitute therefor out of the revenues of the Ecclesiastical Commissioners as a provision for the Protestant Ministers in certain corporate towns in Ireland, in lieu of the annual sums now received by them under and by virtue of the Act 17 & 18 *Chas.* II. c. 7."

SIR JOHN YOUNG said, he must state in explanation of the notice he had placed on the paper, to move as an Amendment that the Acts relating to ministers' money be read, that it arose purely from the forms of the House. The hon. Member for Limerick had moved, as a necessary preliminary to the abolition of the impost, that the House resolve itself into Committee, and it would have been open for him to have seconded the Motion, and, when in Committee, to have explained any difference of opinion between them; but he thought it better, by the terms of the notice, to indicate that difference of opinion, and he would state at once the views which he should have humbly to suggest for the guidance of the House in opposition to the views of his hon. Friend, and then proceed to explain the provisions of a Bill which he should be prepared to introduce upon the subject. He had listened to his hon. Friend with all the attention which was due to his interesting statement, and to the earnestness with which he had advocated this question, and he should endeavour to follow his example, and, in the course of the observations it would be his duty to make to the House, to avoid giving utterance to anything like irritating expressions. His hon. Friend had pointed out the grievances which resulted from the present state of the law in reference to the ministers' money. Those grievances were admitted upon all hands, and had been acknowledged upon many occasions. The tax applied to eight towns in Ireland, and, the valuation upon which it was levied having been founded, in the first instance, upon erroneous principles, had become in the course of time more and more unequal and unjust, inasmuch as houses which were originally let at a high rent, but had fallen into decay, were still assessed at the higher rate, without reference to the depreciation which had taken place in their value. Then the mass of the occupiers of these houses were Roman Catholics; and he could conceive that whether the burden fell upon persons or upon property, Roman Catholic occupiers would regard it as a great grievance to be obliged to pay it while their own Church remained unendowed. But, as the matter stood at present, the clergy of these towns had to look to this tax for the maintenance of themselves and families, and they must either give up that upon which their maintenance, in part at least, depended, or, if they considered it to the interests of their successors, and of the Church, that they should, at all events, collect it, they were obliged in many instances, to obtain it from very poor people, and even in many cases to recover it by distress. No doubt great grievances resulted from such a state of things as this, and they had often been admitted and deplored. But then the question arose, "Why has no remedy been applied?" The reason, he thought, why no remedy had been applied was this, that although the amount was so small, amounting to no more than 15,000*l.* a year, the principle of the inviolability of property was involved; for it was impossible to take it away without violating property, and spreading considerable alarm among persons attached to the Church. If this property were taken away, it would be asked, what would remain inviolable? Then, on the other hand, there were other parties who would accept nothing less than the total and entire abolition of the tax. The question had been pressed very often upon successive Administrations, and attention had been given to it with a view of endeavouring to find a substitute, but as yet no substitute had been found, and the proposal to repeal it without a substitute was one which no Minister had ever yet ventured to make. He could not assent to the validity of any argument in favour of such a proposition, based upon the amount of property possessed by the Protestant Church; because that would be tantamount to saying that a debtor might claim to be excused from payment of his debt, by saying to his creditor, "I am a poor man, and you a rich one, and therefore I won't pay you: you may make it up as well as you can." One substitute suggested had been the transfer of the tax from the occupiers of houses to the owners; but it had been found quite impossible to do that with success, because the owners of houses were almost as numerous as the occupiers. It was a very good arrangement with respect to the tithe commutation; because the lands of a parish were frequently in the hands of two or three proprietors, while the tithe payers might amount to several hundreds. It was different, however, with respect to the house property; the number of the immediate lessors would render the successful adoption of such a course impracticable, even if it were possible to find them, which in many cases it would not be; nor would it, if sanctioned by the Legislature, obviate the complaints which were made under the existing state of things. The next course suggested was to abolish the tax, and to reimburse the Church and the clergy out of the Consolidated Fund. He need hardly say that that was a proposition which was not likely to meet with much favour in that House. The last suggestion was that made by the late Mr. Shiel, and carried by him in Committee, but not by a very large majority, that a substitute should be provided out of the funds in the hands of the Ecclesiastical Commissioners. But the funds of the Ecclesiastical Commissioners were the funds of the Church, and this suggestion amounted to saying to the Church, "We will take so much from you, and leave you to find a substitute as best you can." His hon. Friend had gone into a long argument to prove that the Ecclesiastical Commissioners had ample funds at their disposal for all purposes. That statement he was not prepared to admit. The funds of the Ecclesiastical Commissioners had been given them for several purposes, among others for the building of churches; now, many of those churches were not yet built. In reference, therefore, to a remark that churches had been unnecessarily built, he thought he could clearly show that such was not the case, and he would refer his hon. Friend (Mr. Fagan) to the very last Report of the Ecclesiastical Commissioners, which would tend to correct that impression. It appeared from that Report that ten churches had been built in part by the Ecclesiastical Commissioners, and that towards the erection of those churches they had received upwards of 6,000*l.* from private sources. He believed that the amount expended by the Commissioners upon these churches had been very much overrated, and that, instead of being anything like 5,000*l.* upon a single church, 800*l.* would be much nearer the mark. But to show that these funds were not ample for all purposes, he would turn to the next page of the Report, where it was stated that thirteen churches had been built entirely from private sources; and that the Ecclesiastical Commissioners had given no assistance towards them, because they had not been able to do it. The next paragraph stated as follows :—

> "The Commissioners continue to receive applications for aid toward the building of chapels of ease in unions of parishes, or in parishes of large extent, where the mother churches are not sufficient to accommodate the parishioners who might resort thither for divine worship, or where they are at an inconvenient distance from a great number of the inhabitants. In answer to these applications, many of which are of a very pressing nature, they have been obliged to state that it will not be in their power, under the provisions of the Church Temporalities Act, 3 & 4 *Will.* IV. chap. 37, to aid in the erection of such churches or chapels until there shall be a surplus fund at their disposal, after provision shall have been made for the several other church works mentioned in the 63rd section of the Act, and for which, according to the estimate now before them, a sum exceeding 200,000*l.* would be required. We have, however, the satisfaction to state that, in some of these cases, churches are being erected through the liberality of individuals, or by means of subscriptions raised in the respective unions or parishes, or elsewhere; and where such could not be accomplished, the Commissioners have, in many instances, granted the usual requisites for the celebration of divine service in schoolhouses, or other places licensed for the purpose."

In no cases, with the exception of two or three very poor parishes, had the Commissioners given assistance towards building churches, unless private funds were contributed to some extent, and in many they had been obliged to decline aid altogether. The Report stated :—

> "The sum of 2,500*l.*, set apart for the enlargement of churches, has been distributed among twenty-nine cases, the contributions from private sources in aid thereof being 2,367*l.* 6*s.* 11*d.*; and the sum of 1,500*l.* for inside painting and colouring among 112 cases, the parishioners in each undertaking to defray half the cost of the work."

Now, he really thought that, in that state of affairs, it was scarcely right or well-grounded to say that the Commissioners had funds in their hands to apply to other purposes. Let him remind them also, that, in addition to the building and repairing of churches, there was one great trust which had been given to the Ecclesiastical Commissioners which had not been touched at all; it was that trust which had enabled the Church Temporalities Act to pass through Parliament without opposition. It was one of the objects contemplated by that Act that parishes of large income should be heavily taxed, in order that those of small income might be benefited by an increase of the means available for the religious instruction of the people. Now, really this was a matter of so much importance that he must dwell upon it for a moment; for it was a question of considerable moment, whether great and settled arrangements made by that House and by Parliament should be disturbed prematurely, and before an opportunity had been afforded of carrying them into effect. In explaining to the House of Commons the provisions of the Church Temporalities Bill, in the year 1833, Lord Althorp said :—

> "Now, I apprehend that, however great the differences of opinion may be as to the right of Parliament to apply the property of the Church to the purposes of the State, both those who think that they have a right to apply it to such purposes, and those who think that they have no right so to apply it—all will agree in thinking that the first claim upon the property of the Church is the claim of the Church itself. No parties are likely to dissent from this opinion, but those who either think that there ought to be no Church Establishment at all, or those who think that a different Church ought to be established in Ireland. With the exception of those who entertain these opinions, it will be generally agreed that the present property of the Church Establishment ought to be applied in the first place to the purposes which may be necessary for extending the benefits of the Church to the people of Ireland? Are these purposes sufficiently provided for as matters now stand? We have heard frequently of benefices in which no duty is performed at all, or where there is no church, or where there is no resident minister. We have heard these statements frequently made; but it is also well known that there are many places where there are congregations in which there is a difficulty in the due performance of public worship, and that the working clergy, while their superiors enjoy large revenues, have very inadequate incomes, and are frequently placed in the most distressing circumstances. There are 200 livings in Ireland, which are of less value than 100*l.* a year. While this is the case, where there are Protestant congregations, who require to be provided with the means of attending divine worship, it cannot surely be said by any one that the Church of Ireland itself ought not to have the first claim on the property of the Church."—[3 *Hansard* xv. 568.]

This was the opinion put forward by Lord Althorp, in order to carry the Church Temporalities Act; it was acquiesced in by Sir Robert Peel, and by the operation of that Act ten sees were suppressed, and the proceeds of them were applied to the payment of the church cess in Ireland. Now, the church cess in those days amounted to 70,000*l.*, and his hon. Friend had shown, by a reference to the accounts of the Ecclesiastical Commissioners, that the amount which had come into their hands up to this time had amounted to no more than 61,000*l.* a year, which was 10,000*l.* a year short of the amount of the church cess given up in 1833. But Lord Althorp had said that at that time, in the year 1833, there were 200 livings in Ireland of less value than 100*l.* a year. This was before the tithes were commuted, and before the passing of the Poor Law, by which the clergy were assessed to the poor rate both as occupiers and owners, a tax which amounted to 10 per cent of their incomes. There were, therefore, a greater number of livings of less value than 100*l.* a year at this time than there were in 1833. He thought, then, it could not be said that the Ecclesiastical Commissioners had in their hands ample and abundant funds which could be applied in lieu of ministers' money. They had not yet been able to build a sufficient number of churches, and in very few cases had they been able to increase the stipends of the poorer clergy. Looking at the frequency with which this question had been brought forward, sometimes by hon. Members for Dublin, but more usually by hon. Members for Cork, he had thought it might be advisable to try the experiment of offering some compromise to the consideration of the House. He (Sir J. Young) would therefore beg leave to submit to them this proposition, that after the 10th of next October all houses rated at and under 10*l.* per annum should be totally exempt; that no house in future should be liable to the tax; that means should be taken to ascertain, with respect to those tenements and houses which had been in past times liable, what amount they had paid, and that they should be liable to that amount and no more; and that there should also be a power of redemption at a fixed rate; that the funds so accruing, whether from the rate annually levied or from the redemption money, should be paid into the general funds in the hands of the Ecclesiastical Commissioners, who should pay their stipends to the clergymen in these eight towns; so that in future these clergymen would have nothing to do with the assessment management or collection of the rate. His hon. Friend would, perhaps, say that this was not a very extensive proposal. It might not be a very extensive proposal in the opinion of those who wished for the entire abolition of the tax; but when he was told that the present law was mischievous, because of its bringing the clergy into conflict with the people, he might fairly call upon the House to look at the number of persons who would be withdrawn from these unseemly and injurious contests, if this proposal should be carried out. In Dublin, 3-7ths of the houses would be exempt; in Cork, 4 out of 5; in Clonmel, 8 out of 9; in Drogheda, 10 out of 11; in Kilkenny, 10 out of 13; in Kinsale, 6 out of 7; in Limerick, 13 out of 14; and in Waterford, 9 out of 12. The greater part of the population—and especially of the Roman Catholic population—would thus be withdrawn from the operation of the tax, and from the contests which arose out of its collection. The poorer classes would have the benefit of the exemption, and those who would remain liable would be only those who were in comparatively easy and comfortable circumstances, while the clergy would be exempt from all litigation and obloquy in their parishes. He believed that this measure would be found sufficiently extensive to meet all the requirements of the case, although he knew that as a measure of compromise it would not satisfy those who held very strong opinions on either side. It must, however, be remembered that houses had been taken subject to the tax, and that really, if they gave it up, they would be making the householder a present of the amount, a proposition which he did not think could be seriously defended. He was fortified by the opinions of gentlemen whose names, if he could mention them to the House, would justly carry with them great authority, not as politicians or partisans on one side or the other, but as men thoroughly acquainted with the state and circumstances of these towns and of those who resided in them. They held that the reasonable requirements of the case would be met by the arrangement he proposed to make. The objection which was made to the present state of things, upon the ground that houses which had fallen into decay continued to be highly taxed, would be altogether got rid of, and the clergy would be saved the necessity of resorting to a grievous remedy in order to obtain the means of subsistence, because such portion of the tax as continued to be levied would be paid to the Ecclesiastical Commissioners, and the amounts which would be payable to the clergy would be paid by the funds of the Ecclesiastical Commission. The tax would no longer be demanded from the poor, and he thought that all parties would be benefited by the change. He made this proposition, knowing, as he had said, that, being a compromise, it was liable to be objected to on each side, but in the same spirit which would animate him if he were called in to arbitrate between two parties for whom he had great respect, and whose mutual goodwill and harmonious action were of great importance to their neighbourhood; and he believed that if the House would give to it a favourable consideration, it would go far to remove those causes of enmity which had so long prevailed.

VISCOUNT PALMERSTON seconded the Motion.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'the Acts relating to Ministers' Money in Ireland, and the Church Temporalities (Ireland) Act, be now read,' instead thereof."

MR. HADFIELD said, it was impossible not to perceive and to share in the pain which the right hon. Gentleman felt in being obliged to propose a compromise of this kind. Five-sixths of the population of Ireland were separatists from the Established Church, and the Protestant Dissenters, including the Presbyterians, were alone equal in number to the members of that Church. The amount of the revenues of the Established Church of Ireland, according to the hon. Member for Cork (Mr. Fagan), was 600,000*l.* a-year, and yet it was now proposed to make a compromise of 15,000*l.* a-year, as if that luxurious Church, which was gorged with wealth, could not afford the loss of so small a sum. This, it must be remembered, was not a question of property, but of a tax which was levied principally upon Roman Catholics in order to add to the wealth of a rich Establishment. It had been condemned by a Select Committee of that House, and the right hon. Gentleman had admitted that successive Administrations had pledged themselves to its abandonment. Dr. Higgin, the present Bishop of Derry, of whom Lancashire was justly proud, when Dean of Limerick, one of the places subject to this tax, had written thus:—

> "I know not where the burden can be placed, save and except where it ought to have been placed when the Church Temporalities Act was passed—namely, on the funds in the hands of the Ecclesiastical Commissioners; and on the same principle on which they make payments for curates in small livings, they ought to provide for the clergymen whose misfortune it is to have their incomes, in all or in part, dependent upon ministers' money."

He went on to state that there were funds from that source not then immediately available, but which have been since released, which were sufficient, and might be used for this purpose. They had, then, a Church with a revenue of 600,000*l.* a-year, and with funds perfectly at liberty, which might be appropriated to the payment of those clergymen in whose behalf this tax was now levied. Why did they not, therefore, at once abolish it? They had had, very lately, a declaration of Protestant feeling in that House. Now, there was not a more earnest Protestant than himself; but he considered that the first act of Protestantism ought to be to do justice to the Roman Catholic population. Could they expect the Roman Catholics of Ireland to submit to pay this tax, or to acquiesce in the sale of their goods and chattels for the support of Protestant clergymen? There was another reason which he would urge upon the House. Catholics or Protestants, they all professed to be Christians, and he would ask whether, in insisting on the maintenance of this tax, they were advancing that cause which they professed to love and honour, or were acting in accordance with the revealed will of Him whom they professed to love and honour? It was unjust to make any man pay, by force of law, for the maintenance of principles which he did not profess or believe. This tax was imposed at a period which would be ever memorable in the history of this country—in the reign of Charles the Second—a period when acts were committed for which we might well be ashamed.

> "Those were days," says the eloquent and right hon. Member for Edinburgh, "never to be recalled without a blush, the days of servitude without loyalty and sensuality without love; of dwarfish talents and gigantic vices; the paradise of cold hearts and narrow minds; the golden age of the coward, the bigot, and the slave. The King cringed to his rival, that he might trample on his people; sunk into a Viceroy of France, and pocketed, with complacent infamy, her degrading insults, and her more degrading gold. The caresses of harlots, and the jests of buffoons, regulated the measures of a Government, which had just ability enough to deceive, and just religion enough to

> persecute. The principles of liberty were the jest of every grinning courtier, and the *anathema maranatha* of every fawning dean. In every high place, worship was paid to Charles and James, Belial and Moloch, and England propitiated those obscene and cruel idols with the blood of her best and bravest children. Crime succeeded to crime, and disgrace to disgrace, till the race, accursed of God and man, was a second time driven forth to wander on the face of the earth, and to be a byword and a shaking of the head to the nations."

In these times of degradation this shameful tax was imposed on Catholics and Dissenters, for the support of the Church of a minority of the people. He trusted that the House would submit to no compromise, but abolish the imposition altogether. The tax was opposed to every principle upon which they could hope to give peace to Ireland, or to get a fair hearing for Protestantism ; above all, it militated against Christianity itself, and the sooner it was taken from the Statute-book the better would it be for them all.

Mr. MAGUIRE said, he thought it incumbent on all who desired to promote peace in Ireland and uphold the principles of civil and religious liberty, firmly but respectfully to decline the proposition of the Government, which ran directly counter to the wishes of the people of Ireland. He could distinctly answer for it, and he would call upon the hon. Member opposite (Mr. Fagan) to support his assertion, that there was not a Protestant lay gentleman in the city of Cork who was not most anxious to have this question set at rest for ever. He was perfectly surprised that the right hon. Gentleman (Sir J. Young) should propose to introduce the same Bill which he perfectly well knew was rejected last year by every town in Ireland in which ministers' money was now paid. He really thought that the very decided expression of opinion in Ireland in reference to this proposition ought to have had some little weight. Last year that opinion had been pronounced in a more public and popular manner than it had been this year; but they had had during the present Session petitions from the corporations of Dublin and Limerick, and, he believed, Waterford, and he knew Cork, all emphatically protesting against the tax, and praying for its total abolition. Any State provision was distinctly, solemnly, and emphatically repudiated by the Catholic Bishops some time since, when a proposition of that sort was before them. They asked, not that, but simply justice, to which surely they were entitled; yet the Government, regardless of their claim, came forward at last only to offer a most paltry compromise, which it was as unworthy of them to propose as it would be of the Catholics of Ireland to accept. He believed that the people of Ireland had great cause to complain of the manner in which questions affecting their interests were treated in that House. The case, however, was very different with matters interesting the people of Scotland, and of that they had a very striking instance last year, when the right hon. and learned Lord Advocate introduced a Bill which was called the Annuity Tax Bill, showing how respectfully deferential the Government were to the Report of a Select Committee when Scottish interests were in question. In Ireland, however, although every Government since 1847 had made promises on the subject of this tax, nothing had been done as yet beyond offering the people of Ireland a miserable Bill, which was nothing more than a paltry compromise, unworthy of the English Government to offer, and degrading to the Irish representatives to accept. For the Bill introduced last year by the Government conferred no benefit whatever upon the tax-payers of Ireland, and left the obnoxious principle of the existing law exactly where it found it. The right hon. Baronet (Sir J. Young) had, indeed, informed the House that it conferred an immense boon upon the payers of the tax of ministers' money in freeing all houses under the value of 10*l.* from the payment of it. Now, that was a statement which was very industriously circulated, and had had some weight with many; amongst others, with the hon. Member for Cork (Mr. Fagan), whose good sense was not altogether, as he (Mr. Maguire) was sorry to say, proof against its influence. But how did the case stand? The right hon. Gentleman opposite stated that 8,000 houses in the city of Cork would be relieved from the tax. Now so far from that being true, he himself had been informed by the chairman of the Cork Union, that in that city there were no less than 5,113 houses valued at between 1*l.* and 2*l.*; of that number there were 3,469 houses valued at only 1*l.*; and that the number valued up to 5*l.* were 7,877. Now in all these cases it was very well known that a complete exemption from the payment of the tax was already enjoyed through the forbearance and delicacy of the Protestant clergymen themselves, who were well aware that the poverty of the occupants wholly prevented the possibility of the tax being collected. Was it not, then, a mockery to say that the Bill of the right hon. Gentleman would relieve 8,000 householders from the payment of the tax—when it was allowed on all hands that they were never called on to pay it? He was prepared to state most emphatically that under the Bill in question not 1,000 houses would be relieved from the obnoxious impost. Archdeacon Kyle, whose views ought to be allowed some weight, stated before the Select Committee of 1852, that, in his case, "he had given distinct orders to his collector never to ask any one to pay the tax who was unable to do so." In fact, he (Mr. Maguire) would say at once, that no clergyman could incur the scandal of requiring payment in the case of the wretched householders he had been just speaking of. And he would just ask the attention of the House to this fact. For some nine or ten years back the different corporations of Ireland had been memorialising Parliament on the subject of the tax; but in the face of that fact, in order to perpetuate the tax, or, rather, to use the peculiar phraseology of the Rev. Mr. Holly, one of the witnesses before the Committee, in order to "cover and disguise the tax," the right hon. Gentleman would compel, by his Bill, those very corporations to become the imposers of the tax, the collectors of it, and even the distrainers of it. Now, was that fair? Hon. Gentlemen in that House were very fond of saying they wished to put an end to strifes between Protestants and Roman Catholics, and here they saw Her Majesty's Government, instead of leaving this question to agitators on the platform, introducing its discussion into the very Council Board. The right hon. Gentleman declared in his Bill that whenever the amount of money collected under this tax did not reach to eighty per cent of what it was at present, that the deficiency was to be made good out of the funds in the hands of the Ecclesiastical Commissioners. But he (Mr. Maguire) could not for the life of him discover why the right hon. Baronet, if he was consistent with his own principle, was not prepared to go further. On some occasions, no doubt, that deficiency would amount, in all probability, to forty per cent of the tax; and why, therefore, not say at once that you are prepared to throw the whole of the impost upon the funds in the hands of the Ecclesiastical Commissioners? And there was another anomaly in this Bill which Her Majesty's Ministers would have the people of Ireland regard as such a boon. Although it would appear from the returns of Encumbered Estates Court, that during the last three years seventeen years' purchase was a very high rate of purchase for land in Ireland, and that in some cases it had been as low as eleven and twelve years, the right hon. Baronet, by the 6th section of his Bill, permitted that any householder might compromise for the tax by the payment of a sum sixteen times the amount of the annual payment. Successive Governments, as he had said before, had promised to redress the injustice of this impost; and the noble Lord the Member for the City of London stated upon the 30th of May, 1850, that

> "The question of ministers' money was under the consideration of the Government, and that there was a plan by which it was hoped the grievance would be remedied."—[3 *Hansard*, cxi. 486.]

And what was that "grievance," he (Mr. Maguire) would ask? Why, he would tell them; it was the compelling the Church of the majority to support the Church of the minority—it was the forcing people of one persuasion to contribute to the demands of people of another persuasion. They had not yet seen the redemption of the noble Lord's promise; and now, when they had waited so long for the removal of this grievance, they were asked either to go on paying as heretofore, or to redeem at once by paying sixteen times the annual value of the tax. There was a strong feeling against this tax, and the feeling was one of principle—of principle shared in by Protestant clergy and laity, and appreciated by them as much as by the Catholics, who were aggrieved. [The hon. Member, in proof of this assertion, quoted the evidence of various Protestant clergymen who had professed themselves ashamed and unwilling to receive money for religious purposes which was extorted from men who must always give it with ill-will.] To prove to the House that the grievance was such as he had just been describing, he would state that in the city of Cork, according to the census of 1834, the Protestant population stood at 15,000 as against 79,000 Catholics; while in the parish of St. Paul, in the same city, the Protestants numbered 900 and the Catholics 5,000; and in St. Anne's, Shandon, there were 3,500 Protestants and 20,000 Catholics. Again, the population of Kinsale, in 1834, numbered 1,070 Protestants and 5,334 Catholics; Clonmel, 1,700 Protestants and 15,000 Catholics; Limerick, 4,500 Protestants and 50,000 Catholics; while in the city of Waterford there were only 4,253 Protestants as against upwards of 23,000 Catholics. Now, he would wish to know how would hon. and right hon. Gentlemen opposite like to live under such a state of things? Would they pay the tax? Would it be not most inconsonant with their pride to endure such an injustice for an hour? They ought not, therefore, to inflict it on others. The tax ought to be put on the funds of the Ecclesiastical Commissioners, a course which would cause no offence to any one. In that way an end would be put to a grievance, which, otherwise, would give rise constantly to complaint, and which certainly would never be considered satisfactorily dealt with while such makeshifts as the present were all that was given in answer to the Irish Catholics' earnest appeals. As regarded the actual benefit done, he pronounced it very small; and as regarded the matter of principle, he said that there was this difficulty —if you exempted the man under 10*l.*, why did you put it on the man above? Was not a tax for a religion not his own as great an outrage to the Catholic who occupied a 12*l.* house, as to the Catholic who occupied a 6*l.* house? On a former occasion some of the hon. Members now on the Treasury bench voted for the abolition of this tax. The hon. Secretary for the Admiralty (Mr. B. Osborne) was in favour of abolishing it without finding a substitute. The hon. Clerk to the Ordnance (Mr. Monsell) said that an early opportunity ought to be taken for removing the impost. And the hon. and learned Solicitor General for Ireland (Mr. Keogh) expressed a hope that the House would force on the attention of the Government the necessity of removing an impost which was insulting and obnoxious to the Roman Catholics, whilst it did no good to Protestants. After the expression of such opinions, he thought he had a right to calculate on the votes of those Members in favour of the Motion. He earnestly wished Protestants and Catholics to meet together in harmony, which they would soon do if the rulers of the country would legislate in a proper spirit. He begged those hon. Members who had the interest of Ireland at heart to refuse their assent to the Bill of the right hon. Gentleman, and he had no hesitation in saying that he should consider himself guilty of a violation of duty if he consented to so mean a compromise. He believed there was sufficient good sense and honour in that House to encourage any Minister who would have the courage to deal with the subject in a liberal spirit, and he had no doubt that, if the hon. Members on the Treasury bench to whom he had alluded would act on their professions, the House would support them. If the Government wished to encourage a good feeling in Ireland—if they wished to make the people of Ireland loyal—if they wished them to lay aside religious differences, they must act in a different spirit from that which had hitherto been manifested. Unless they were prepared to do so, the table of the House would be covered with petitions, and the excitement would become much more extended than it was at the present moment.

Mr. CROSSLEY said, that this tax of ministers' money must have one of two objects, either it was to secure a good living for the ministers, or to promote the cure of souls. If it was the former, he thought it was wrong, because those who were taxed did not require the services of the ministers. If, on the other hand, it was to save the souls of Christians, he did not think it was going the right way to obtain that object to take money from a man against his will. The notorious Joseph Ady when he applied to parties told them that if they would send him a certain sum of money he would tell them something to their advantage, but here the ministers did not ask for the money, they demanded, they seized upon it, and then said, "if you will come and listen to us you will hear something to your advantage." Now that was not the way to promote Christianity, at all events it was not the way the Founder of Christianity and his disciples promoted it, and he thought the best thing the House of Commons could do was to abolish the tax altogether. He should give his vote with all his heart in favour of the Motion of the hon. Member for Cork.

Mr. NAPIER said, however the rights of the clergy might be interfered with by the Amendment of the right hon. Gentleman (Sir J. Young), he felt himself bound in honour and in consistency to support it, because when he sat on the Ministerial side of the House he had given a pledge that he would consider this subject, and had intimated his willingness to propose a settlement of this question, which he thought substantially coincided with the proposition of the right hon. Baronet. He confessed he was one of those who were opposed to any Government provision or charge for Roman Catholic priests. It was satisfactory to him to believe that he held this view in accordance with the Roman Catholic representatives in that House. It was not, however, his wish to involve this question with any collateral or irrelevant matters, but to confine it to what he thought was the real point to be considered. The nature of the provision was stated in what was called the Act of Settlement. He concurred with the hon. Gentleman who spoke last, as to the spirit in which the ministers of the Church should preach the Gospel; but he apprehended that it was always intended that some provision should be made for their support. It was not the fault of Charles II. that Englishmen were invited over at that time to introduce trade into Ireland. The property of those towns in Ireland upon which this impost was placed was then forfeited to the Crown, which made such conditions in respect to it as it thought just and fitting. He thought that it was both wise and politic of the Crown at that time to impose a charge upon those towns for the permanent provision of the ministers of the Established Church. That charge was part of the original arrangement, and those who afterwards took those houses took them subject to this charge. The property belonged to the Crown, and it had a right to make its own settlements. If he were to buy an estate in Ireland under the Encumbered Estates Court Act, and were to find that the population on that estate had all emigrated, and then, in order to obtain a new tenantry, he were to make a charge upon the estate to provide for the maintenance of clergymen to instruct them if they came, the person who had the reversion to that estate could not on any just ground refuse to pay that charge, because the clergymen so provided for were of a religion differing from his own. Such appeared to him to be the exact case with regard to the charge for ministers' money. He would admit that there might be some grievance in the mode in which the charge was levied, not by personal demand, but there was remedy by distress. In the case of the occupiers of small houses clergymen did not like to get a collector to distrain upon the furniture, and it was well known that they in many instances gave away the rate rather than do so. He could confidently appeal, even to the Roman Catholic Members of that House, for confirmation, when he stated that there was no body of men who discharged their duties more conscientiously or more efficiently than the Protestant clergymen in Ireland; it was also admitted that they had a right to their income, and he did not see upon what ground there could be objection to this charge. A few years ago, when a Committee of that House was appointed to consider this question, Mr. Reynolds, the late Member for Dublin, and who was one of the Members of it, proposed that in their Report they should recommend a Bill to be brought in by which the claim of the Protestant clergy should be charged upon the funds of the Ecclesiastical Commission. The Committee were equally divided upon the point, there being three in favour of the proposition and three against it. The late Mr. Sheil, however, gave his casting vote against the proposition, thus negativing the very identical proposition now made by the hon. Member for Cork (Mr. Fagan). Now, he would ask the House how was the Ecclesiastical Commission fund made up? It was made up by the taxation of the larger incomes of the clergy for the purpose of contributing to the smaller ones. The beneficed clergy, on an average, had only about 200*l.* a year—a sum which surely could not be considered extravagant for the support of a gentleman of education and ability. It was out of this ecclesiastical fund that the hon. Member for Cork proposed to pay the clergy. The contributions amounted to something like 15 per cent. And what did the hon. Member propose to do? Why, he actually proposed to pay these town clergymen from that fund, in order to make a present to the proprietors of houses of this impost that was charged upon them. And who were those proprietors? They were rich landlords, the great proportion of whom were Protestants. He would ask the House whether the Protestant clergy had not as good a right to their property as any other man in the community? The Government proposed to exempt from this charge all small houses under the value of 10*l.* Now, this was a point upon which a great difficulty arose. It would take from the clergy something like 25 per cent, and give to the proprietors of those houses the opportunity of redeeming them. The proposition of the hon. Member for Cork was one that was opposed to justice and sound policy. The Church Temporalities Act, which abolished church-rates in Ireland, expressly saved ministers' money. The late Mr. O'Connell, who was in the House at the time, and was a good lawyer, must have admitted the justice of such a provision, for he made no objection to it, probably from the fact of his believing that it involved a question of property. The Church Temporalities Act was drawn up with great care. He would ask the House whether they were prepared to unsettle that Act? They were told from time to time that, if they made this concession that was asked for by the hon. Member for Cork, they would have peace in Ireland. Now, he (Mr. Napier) was as great a lover of peace as any one; but he never could indulge in such sickly sentimentality. In his opinion, it was impossible where they had two antagonistic Churches but there must be ever a great opposition between what was considered truth on the one side and error on the other. He wished to maintain good feeling towards all, but, at the same time, he was quite prepared to state his opinions upon the subject. It was stated that the people of Dublin were greatly against this tax. Why, the people of Dublin, as well as the people elsewhere, were always against paying money if they could avoid doing so. An Irishman was well known to have strong objections to the payment of money. The operation, no doubt, was most unpleasant, if it could not be got over. Now, as to the charge called ministers' money, if they were to get rid of it at all, they must get rid of it upon a principle of justice. The fund in the hands of the Ecclesiastical Commissioners was far too low to discharge the trusts that had been provided by Act of Parliament. They could not do anything towards the building of churches. They could not give more than 1,000*l.* a year to the augmentation of small benefices. Nor had they been able to satisfy the recommendation for the repairs of churches. The Commissioners said that they would require 200,000*l.* before they could get a surplus applicable to these cases. It appeared, indeed, that the cost of repair of the church exhausted the sum now in hand. He would, therefore, appeal to the hon. Member's sense of justice whether, in that state of things, it would be right to adopt the course he now proposed. On the other hand, according to the right hon. Baronet's (Sir J. Young's) proposition, if the funds went on improving, in a short time they might have such an amount as would enable them to effect an equitable redemption of the tax. With regard to the comparative number of Protestants and Catholics, that, he did not think, had anything to do with the question. On a former night the hon. Member for Cork stated that five-eighths of the population of Ireland were Roman Catholics. But let it be remembered that the proportion varied in different places. In some parts of the country the great majority consisted of Protestants, as was the case, for example, with portions of the city of Dublin. Be that as it might, however, he thought hon. Gentlemen opposite always took this view of the question, and had this idea uppermost in their minds—he meant the great value of the voluntary principle. His (Mr. Napier's) answer to that was, that there was room enough for voluntary effort. Calculate the Church alone. They took property subject to this charge. What was the difference whether they paid that charge to the Protestant clergyman or the Protestant landlord? Then there was room enough outside the Church for the efforts of voluntaryism. But what he complained of was, that hon. Gentlemen wanted to make their voluntary system compulsory. He should be glad to see the voluntary system working in harmony with the Established Church, but he did object to being compelled to adopt that system. His voluntaryism was permissive in its nature—not, what hon. Gentlemen would make it, compulsory. The only charge which had yet been brought against the clergy, so far as he could discover, was, that they were Protestants. Their conduct was unexceptionable, and they had a legal right to their income, which was confirmed to them at the time of the settlement of the Church Temporalities Act. The right hon. Baronet (Sir J. Young) now proposed to make an arrangement to which, for peace sake, he (Mr. Napier) did not object, although he still thought it an infringement on their rights. And, with the view of settling the question, he conceived the House would act wisely by adopting the proposition. In the course of a little time he had no doubt the charge would be redeemed by the Protestant proprietors, and thus the question would be got rid of on a principle which would not interfere with the rights of property.

Mr. J. D. FITZGERALD said, he was of opinion that the right hon. Secretary for Ireland had delivered a most persuasive speech for negativing his own Amendment, and, for the very reasons which the right hon. Gentleman had advanced, he (Mr. Fitzgerald) should vote in favour of the original Motion. The right hon. Gentleman had argued that the property of the Protestant Church should not be interfered with, and yet his own Bill would be a direct infringement of the principle he thus laid down, by depriving these clergymen of 25 per cent of their income, and exonerating from the tax a great majority of the houses now paying it. It was also said that the fund at the disposal of the Ecclesiastical Commissioners was not more than sufficient for the repair of old and the erection of new churches. Certainly, if they complied with every demand they might receive from any minister to build a new church, four times the amount of their present property would probably not be sufficient for the purpose; but, how was the circumstance of their having vested in the public funds a sum of about 40,000*l.* of surplus money consistent with the representation that they had no sums at their disposal? The right hon. Baronet advocated the Church of the rich minority, endowed more richly than any other church in Europe, and with respect to which Sidney Smith said, the distribution of its funds made it the Church of bishops and beggars. Let the House, however, take into consideration likewise the case of the poor majority, who, by voluntary subscriptions collected from, among others, the poorest of the poorest, raised large sums to build their own churches. With regard to the speech of the right hon. and learned Member for the University of Dublin, he had never witnessed so much inconsistency compressed into so small a space. The right hon. and learned Gentleman objected to tax the country for the support of the Roman Catholic Church, and yet he is perfectly willing to tax the Roman Catholics of Ireland for the support of the Church of the rich minority. The right hon. and learned Gentleman said that the property of these corporate towns so taxed became after the rebellion of 1641 Protestant property; and that the Protestants had a right to tax their own property. The right hon. and learned Gentleman's fact, however, was an historic delusion without any foundation. No doubt, at the period when might was right, Roman Catholics could not be mayors, councillors, or hold other corporate offices, but the property remained the same, and never was heard a more unfounded statement than that the property of these towns was confiscated. The right hon. and learned Gentleman argued that people took the property subject to the charge, and therefore had no right to complain; but, according to the authority of Lord Campbell, as appeared from a speech delivered in that House, this charge, like that of church-rates, was a personal charge, imposed upon an individual in respect to the property he held. He denied, too, the statement of the right hon. and learned Gentleman, that household property in Ireland mainly belonged to Protestants, and he would also state, on the authority of a gentleman who had had experience in the revising courts, that the greater portion of house property was in the hands of Roman Catholics. If the right hon. and learned Gentleman did not wish to be relieved from this tax, it would always be in his power voluntarily to pay it; but he maintained that it never was Church property, and in trying to abolish it they were not interfering with Church property. At a time when injustice was daily perpetrated, and when the Legislature did not represent the people, they were oppressed by an unjust demand, and surely the right hon. and learned Gentleman would not say that any lapse of time could make that which was wrong just.

MR. POTTER said, he certainly could not help expressing surprise that the right hon. and learned Gentleman the representative of the University of Dublin should have given his consent to a proposition of the Secretary for Ireland which would take 25 per cent from the incomes of Protestant clergymen. He did not think those persons should be the sufferers; but that the money should be supplied from other sources, and he was of opinion that Trinity College, Dublin, might very well contribute something for the purpose from its large revenues.

MR. COWAN said, he fully concurred with the hon. and learned Gentleman (Mr. J. D. Fitzgerald) in considering the speech of the right hon. and learned Member for the University of Dublin (Mr. Napier) as contradictory and inconsistent, and he would ask if this tax were a grievance, as it had been fairly admitted to be, was it not one of the first duties of the House of Commons to redress that grievance? With reference to what had fallen from the right hon. and learned Gentleman, he considered it to be wholly inconsistent within itself. He did not know of anything more destructive of the interests of the country than class legislation. Without detaining the House with any further remarks, he would conclude by expressing a hope that if justice were done to Ireland, it would also be done to Scotland in respect to the subject of the annuity tax, and he more especially demanded justice for the city of Edinburgh.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 88, Noes 103: Majority 15.

Words *added:* — Main Question, as amended, put, and *agreed to:*—Acts read; Committee thereupon *To-morrow.*

JUDGMENT EXECUTION, ETC.

MR. COWAN *presented* a petition from the Scottish Trade Protection Society, Edinburgh, praying the House to pass a law making it competent for the judgments of all the civil courts, whether in Scotland, England, or Ireland, to be endorsed by any judge having concurrent jurisdiction in those countries, respectively, and that execution thereupon issue in all respects as if the judgment had been pronounced and the warrant granted by the concurring court.

MR. CRAUFURD said, he would now beg to move—

> "For leave to bring in a Bill to enable Execution to issue in any part of the United Kingdom under a Judgment obtained in any Court in England, Scotland, or Ireland, and to amend the Law as to the Service of Process in the United Kingdom."

It was no small satisfaction to him to find that on this occasion he received the support of the Scottish Trade Protection Society, in Edinburgh. He would shortly state to the House what the law on the subject was at present, and what were the evils that flowed from it. If a plaintiff obtained a judgment in the common-law courts of England, Scotland, or Ireland, he could not obtain the benefit of that judgment in either of the two other countries without bringing an action upon the judgment and finding security for costs. He was thus put to expense and delay in obtaining that satisfaction which a court of law had already decided he was entitled to. The injustice of this had been partially admitted by an Act of George III., which gave immediate effect to a judgment obtained in the Court of Chancery for the payment of money equally in Ireland, England, and Scotland; and at a later period the same rule was adopted in the Winding-up Act. Twenty years ago, Judge Best, afterwards Lord Wynford, proposed to amend the law in respect to judgments obtained in the common-law courts, but, from some cause, the proposition was not adopted. Indeed, Lord Wynford wished to extend the principle to the case of defendants residing in foreign countries. Cases of hardship under the present law could be quoted without number. In one instance, a judgment for 30,000*l.* was obtained against a party in Ireland; the party came to England; the plaintiff then sued him in England, and again obtained judgment; but by that time the party had gone to France. The plaintiff then sued him in France, and also obtained judgment; but before he could execute it the debtor had gone to Vienna. Without multiplying instances, this was sufficient to show the evil of the existing law. The principle of the Bill he wished to introduce was, that a party who had obtained judgment for the payment of money, whether in a common-law court, or in a Court of Chancery, or in the Court of Session in Scotland, should be allowed to register an extract of that judgment in the other courts in the United Kingdom, certified by the seal of the court in which such judgment had been obtained; that such party should then be allowed to make an affidavit that the judgment so registered was still unsatisfied, and that the party against whom it had been obtained was residing within the jurisdiction of the court where the judgment had been registered. Upon this being done, he proposed that the judgment should have immediate effect within that jurisdiction as if the judgment had been obtained in such court in the first instance. He would further propose that there should be no power of disputing the judgment so registered, except in the original court in which the judgment was obtained. By a further provision of the Bill it was also proposed to enact that a plaintiff might sue his debtor either where he was resident or where the cause of action arose. If the House should allow the Bill to be introduced, he should be perfectly ready, after the second reading, to have the Bill referred to a Select Committee upstairs.

MR. COWAN seconded the Motion.

THE LORD ADVOCATE said, he most cordially approved the object of the Bill. It was, certainly, a step forward, and he hoped it would not be a final step in the direction of putting things in a much fairer state between the two countries. It was most unfortunately true that at present the two countries dealt with the judgments of each other as if they were the judgments of foreign courts. So far, therefore, as the execution of an English judgment in Scotland, or a Scotch judgment in England, was concerned, he most readily agreed with the proposition of his hon. and learned Friend. But with regard to his second proposition—namely, that of a plaintiff pursuing his debtor into a jurisdiction other than that in which the cause of action had arisen, he was not sure that his hon. and learned Friend would not find himself involved in some difficulty. However, he congratulated his hon. and learned Friend on having entered upon this subject, and so far as he could give him any assistance, he would most readily do so.

Mr. NAPIER: On the part of Ireland, I say—Ditto.

The ATTORNEY GENERAL: And on the part of England, I also say—Ditto.

Leave given.

Bill ordered to be brought in by Mr. Craufurd, Mr. Dunlop, and Mr. Napier.

KINGSTON-UPON-HULL BOROUGH.

Mr. HUME said, he rose to call the attention of the House to the petition of the inhabitants of Kingston-upon-Hull, presented on the 27th of February, and to move that the Report of the Chief Commissioner be laid before the House. The facts of the case were, of course, known to hon. Members, as the petition had been printed with the votes. He grounded his Motion on what was the practice observed by the House with regard to its own Committees. It had often happened that a well-considered Report was prepared by the Chairman, and submitted to the Committee; but that afterwards either the whole Report was turned into a few words, or it was so altered by the majority of the Committee that the House, on having the Report presented to it, was left in total ignorance of what really had passed in Committee, or what the evidence was that had been given before it. A standing order was therefore established to this effect—that a minority in every Committee should have an opportunity of stating what was their opinion. A majority of the Committee might overrule that opinion by an Amendment, but it was ordered that the document prepared by the minority should be appended at the end of the Report. This would enable the House to know what were the opinions of the minority as well as of the majority. It was with a view to effect the same object in the case of the Commission of Inquiry at Kingston-upon-Hull, that the petition from the inhabitants of that town had been entrusted to him. He wished, therefore, that the Report of the Chief Commissioner (Mr. Flood), which had been sent into the Home Office, should be laid on the table of the House, in order that the House might have every opportunity of arriving at a knowledge of all the facts of this case.

Mr. FITZROY said, there could be no possible objection to laying this Report on the table, although, after the extraordinary expense which had already been incurred in producing the Report and the evidence in this case, the hon. Member would not ask that this second Report should be printed. Of course it must be taken just for what it was worth. It could scarcely be called the Report of the Chief Commissioner, because at the time the Report was made Mr. Flood was not a Commissioner at all.

Motion *agreed to.*

Address for "Copy of Report of Mr. Solley Flood, upon the existence and extent of corrupt practices at the last Elections for the Borough of Kingston upon Hull."

NEW WRITS.

Lord JOHN RUSSELL said, he would now move the postponement of the issue of writs to those boroughs that had been the subject of inquiry before a Commission. He did not propose to postpone the issuing of those writs for the period of which he had given notice, but till to-morrow se'nnight—that was to say, Friday, the 17th of March. The reason he took that course was, that the House was not yet in a condition to judge whether the writs ought to be issued or not. With regard to all the boroughs except Tynemouth, his hon. and learned Friend the Attorney General was ready and prepared to deal with them by Bills which he would bring before the House on Monday next. It was also desirable, before the writs were issued, that the House should decide upon the Bill which he had had the honour to introduce, and another Bill which was introduced by the hon. and learned Member for East Suffolk (Sir F. Kelly), because if it was the intention of the House to proceed with a Bill for preventing bribery and corruption, then it would be desirable to postpone the issue of those writs till such a measure should have passed the House. With regard to Tynemouth, the Report on that borough had not yet been delivered. He believed it would be in the course of to-morrow; but, as far as he had been able to look at it, it appeared to him to differ somewhat from the case of other boroughs. However, the House would be in a condition to judge for itself when the Report, with the evidence, was laid before it.

Mr. DISRAELI said, he saw no objection to the Motion of the noble Lord; in fact, he thought it was the best course that could be taken, as it was desirable to see the Bills of the hon. and learned Attorney General before deciding upon the issue of the writs. But he thought no time should be lost in bringing forward those Bills, which he expected to have been introduced, as they were on the paper.

The ATTORNEY GENERAL: That was a mistake of the clerk; they were meant for Monday.

Mr. DISRAELI: Then, of course, his observation fell to the ground; but he would remind the noble Lord that the Income Tax Bill was fixed for Monday. That was a very important matter, but he hoped the noble Lord would endeavour to secure time for both.

Motion *agreed to.*

Ordered,

"That no Warrants for New Writs for Barnstaple, Cambridge, Canterbury, Kingston-upon-Hull, Maldon, and Tynemouth, be issued before Friday the 17th day of March."

PUBLIC PROSECUTORS BILL.

Order for Second Reading read.

The ATTORNEY GENERAL said, he must appeal to the hon. and learned Member for Leominster (Mr. J. G. Phillimore) who had charge of the Bill, not to press it at this moment. He had, on a former occasion, assured the hon. and learned Member that the matter was under the consideration of the Government, and that some scheme on the subject would be submitted to the House in the course of the present Session. Since giving that assurance, he had taken occasion to communicate with his right hon. and learned Friend the Lord Advocate and also with his hon. and learned Friend the Solicitor General for Ireland, and had used every effort to obtain all the information possible, and he hoped shortly to be able to submit to the Government a scheme for a measure on the subject, with a view of proceeding with it this Session. The hon. and learned Gentleman would admit that the subject was best left in the hands of the Government, and he could assure the hon. and learned Member that he was losing no time. He hoped the second reading would not now be pressed.

Mr. J. G. PHILLIMORE said, he thought that, after these very explicit assurances of the hon. and learned Gentleman, he would be justified in acceding to his request, as he had no other motive than to remove a great evil, which he thought would best be done by complying with his hon. and learned Friend's wish.

Second reading *deferred* till *Thursday,* 30th March.

The House adjourned at half after Nine o'clock.

HOUSE OF LORDS,

Friday, March 10, 1854.

Minutes.] Public Bills. — 1ª Consolidated Fund (£8,000,000); Bankruptcy and Insolvency (Scotland).

BANKRUPTCY AND INSOLVENCY BILL (SCOTLAND).

Lord BROUGHAM *presented* a Bill to improve the Administration of Bankruptcy and Insolvency in Scotland. His Lordship said, the present measure had for its object the assimilation of the bankruptcy and insolvency law of Scotland, in certain important respects, to the bankruptcy and insolvency law of England, but in other respects leaving a difference between the two systems. The Bill was, to a great extent, the same as one which was introduced into their Lordships' House last year. He was happy to say that it had met with general approval in Scotland among all the mercantile classes, including not only the general traders, but also the retail dealers, in that part of the kingdom. After the fullest consideration, not only of the principles of the measure, but of its details, he was now able to represent to their Lordships that the Bill had the sanction of all classes, both in England and Scotland, who were interested in the question, subject to such alterations as it might be expedient to adopt arising out of certain valuable suggestions, the result of discussion in the last long vacation; and he presented the Bill now as it was presented and read a second time last year, only asking their Lordships to follow their usual course, and give it a first reading; and when it came on for a second reading, he should make such observations as he thought desirable, with the view to its being, at all events, referred to a Select Committee.

Bill read 1ª.

FEES IN COUNTY COURTS.

LORD BROUGHAM moved for returns relating to the number of plaints issued from the County Courts for the years 1852 and 1853, for sums under 20*l.* and between 20*l.* and 50*l.*, the aggregate of such sums, the amount and application of the fees, and the amount recovered by judgment (in continuation of those which had been already brought down to the end of 1851); and also for the number of writs of summons for sums under 20*l.*, issued by the Courts of Queen's Bench, Exchequer, and Common Pleas, in the year 1853, and the amount of debt and costs of each. His Lordship said it gave him unmingled pleasure to think that the working of the County Courts was most satisfactory in every respect, save one, and that one arose from the large amount of the fees levied by the Government. In consequence of the amount of those fees, and the reduction which had been made on those fees in the Superior Courts, the business of the County Courts in respect to a certain class of cases, had experienced a considerable diminution during the year 1853. The increase in 1852 as compared with 1851, had been very considerable, the number of suits in the County Courts in 1851 being 440,000, and in 1852, 474,000. But then came the alteration in the fees in the Superior Courts, by which the gross amount of those fees had been reduced to 50,000*l.*, while those in the County Courts absolutely amounted to 275,000*l.*, an instance of legislative abuse and injustice which, he would venture to say, the worst periods of our whole judicial history could not present. The consequence was that there had been, *pro tanto*, a diminution in the business of the County Courts. Both in 1851 and 1852, the proportion of fees, that is taxes, to the sum sued for in the Superior Courts was inconsiderable; while in the County Courts, upon one calculation it was 35 per cent, and upon the lowest calculation 33 per cent. In the courts above to sue a man for 50*l.*, when judgment went by default, the court fees, he believed, would be from 10*s.* to 12*s.*; but to sue a man for 50*l.* in a County Court under circumstances tantamount to judgment by default—namely, where there had been no use whatever made of the jurisdiction of the court, except to enter the suit —where there had been no trial and no adjudication—there being no judgment by default in the County Courts—the fees amounted to no less than 3*l.* 6*s.* 8*d.* Again in the case of a suit for 20*l.*, the costs in the County Courts, under similar circumstances, would be between 30*s.* and 40*s.*; whereas in the Superior Courts the sum of 50*l.* might be recovered for 10*s.* or 12*s.* Their Lordships would recollect that he was not talking of the costs of the proceedings, but of the amount of court fees that went to pay the judges' and officers' salaries, the provision and maintenance of court rooms, and the like; and for those purposes the enormous sum of 275,000*l.* was extorted from the unfortunate suitors. Under these circumstance he thought he had some right to expect that relief would be given to the suitors in those courts. An unanimous resolution had been come to by the County Court Commissioners upwards of two months ago in favour of transferring the judges' salaries and some other expenses in those courts, from the suitors to the Consolidated Fund, as had been done two years ago in the case of the courts above. This course, he believed, notwithstanding the objections which he was aware existed in some quarters, would be found most salutary. He was aware that the Consolidated Fund had quite enough to bear at present, but his belief was that such a transfer of charge to the Consolidated Fund would not be nearly so burthensome as some might at first imagine, because when we reduced the taxes on any consumable article, the consumption of that article was thereby increased, and the same rule would apply in this case. It would be too romantic for him to expect that all the fees in those courts would be abolished; but he certainly did look to the suitors being relieved of a very considerable proportion of them as they at present stood, whereby the access to those admirable tribunals might be the more facilitated. He had great satisfaction in stating that some of our most eminent Judges, who had for many years been opposed to the system of County Courts, had lately expressed themselves in favour of the blessings conferred upon the suitors by the establishment of such courts. He did not mean, by making this statement, to imply that it was anything more remarkable for judges to be mistaken than for other learned persons to be so, for he thought that some of the opinions which they had heard lately expressed on a measure in which he (Lord Brougham) had taken a great interest, and which was before the House, went somewhat to prove that even these learned functionaries might be mistaken; and might too hastily be led to express an opinion which their more calm deliberation would show them was unsound. He thought that the more the County Court system had been tested the more it had been proved to be beneficial, and one which conduced in every way to advance the ends of justice.

Motion *agreed to.* Returns ordered.

CHRISTIANITY IN THE EAST.

The Earl of SHAFTESBURY:* My Lords, a few days ago there appeared in the public papers a document purporting to be a Manifesto from the Emperor Nicholas, which contained this portentous statement: "England and France have sided with the enemies of Christianity against Russia combating for the orthodox faith."

My Lords, it is not surprising that all should feel such an imputation as this, nor out of place here that some notice should be taken of it. England and Europe demand an explanation; and those who have been called to bear a part in the administration of the religious societies of this country and the Continent, can give, and are prepared to give, a most direct contradiction to the assertions of the Czar; and dropping, in this case, the term "enemies" or "friends" of Christianity, and looking only to the results, we will undertake to prove that Turkey has of late done everything to advance, and Russia everything to retard, the progress of Christianity among the nations of mankind.

But first a word as to these famous negotiations. I do not believe that, from the very outset, there was on the Russian part a particle or an atom of sincerity. If my noble Friend the Secretary of State for Foreign Affairs had been an angel of light, he would not have been able to bring the negotiations to any other issue. The predominant desire in the mind of the Czar was the absolute, though virtual, rule over the Turkish empire. This is manifest in his arrogant assumption of a personal right of protection of the Christians in the East, and in his haughty rejection of the efficient protectorate offered by the four Powers; a most ample guarantee, if protection to the Christians had been his only object of solicitude. That this was evident to my noble Friend after the production of the Menschikoff note may be inferred from the tone and style of the despatches which followed it—documents which, I must say, have conferred no small honour on the Government, and have added not only to the dignity, but to the literature of the country.

Now, my Lords, the Emperor of Russia is not the first man who laid to our charge the imputation of an unholy alliance with infidels and Mussulmans. He took it at secondhand from an accomplished Member of the other House, merely adding, by way of a cordial to himself, that he was combating "in defence of the orthodox faith!" It is really astonishing that a gentlemen of the sagacity and knowledge of Mr. Cobden should have regarded this question as though an alliance of Mahomedans and Christians were a thing unprecedented in Christian annals. He talked as if the history of India had never been either written or read; as though we had never formed, as though we were not actually executing now, alliances, offensive and defensive, with heathen Powers in those countries; and as though we had not been allied, not very long ago, with these same Mahomedan Turks to recover possession of Egypt. My Lords, there is a wide difference between an alliance with any Power, heathen though it be, to maintain the cause of right, justice, and order, against the aggressions even of professing Christians, and an alliance for the development and aggrandisement of that Power. Law, order, and justice are things so sacred in the eye of God, that they must be respected, whoever be the recipients of them. It is not a question here, whether the Turks, as such, shall continue to reign at Constantinople; it is no question here, whether we shall uphold a Mussulman empire, as they say, "in its dotage:" Turkey is the battle-field, and the Turks the objects of these great principles. But the true question at issue is, whether we shall assert the rights of a weaker State, maintain the independence of nations, and endeavour to assign a limit to the encroachments of a Power that seems bent to darken all that is light, and subjugate all that is free, among the nations of mankind.

My Lords, I have no particular sympathies or antipathies for either of the parties engaged in this struggle. I wish that we were well rid of them both—that the Russians were driven to the north of Archangel, the Turks to the east of the Euphrates; but since we are compelled to make a choice, since we must declare for either one or the other, let us see whether there are no alleviating circumstances in the course we have adopted; whether we have not judged rightly to prefer, as I most heartily do, the Turkish to the Russian autocrat — the autocrat that has granted such great facilities to the advancement of Christianity and civilisation to the autocrat who denies them in his own dominions, and who would deny them still more fiercely, should he ever become, by our neglect, the master of those noble provinces that he so ardently covets.

My Lords, it is my deliberate conviction that this is a long-conceived and gigantic scheme, determined on years ago, and now to be executed, for the prevention of all religious freedom, and so ultimately of all civil freedom, among millions of mankind.

But first allow me, in a few words, to describe the gradual growth during the last twenty years, of wealth, intelligence, and civilisation among the Christians of Turkey. I do not deny that there have been occasional outbreaks of Mussulman bigotry, but they have been local, not general; the result of some momentary fanaticism, and not authorised, nay, controlled, by the Government. The truth is, that the great enemy of the Christian in these countries is not the Turk, but the Christian himself. A very large proportion of the torture, the spoliation, the imprisonment that has taken place, has been inflicted by Christians upon Christians, and principally stimulated by the Greek priesthood, with the view of retaining dominion over the laity of their flocks. But to proceed—I desire to show the progress of the last twenty years. First, the diffusion of the Scriptures, during that time, has been almost incredible. Now, whatever may be the private opinions of any one with regard to the Bible, no one will gainsay this assertion—that the diffusion of it has ever been the precursor of lasting civilisation and free institutions. Wherever the Bible has free course, and is freely admitted into the minds of men, there you will be sure to see the development of knowledge, of progress, and of wider and nobler aspirations.

It was stated last year, in a speech by Mr. Layard, in the House of Commons (and the statement has since been confirmed by the American missionaries), that there are more than forty towns and villages in Turkey (subsequent inquiry has raised them to fifty), in which there are distinct congregations of Protestant seceders from the Greek communion. I use the term "Protestant" because it is a term of their own choosing; I should have preferred their other designation, Gospel Readers, because we should thereby have avoided an apparent admixture of the Roman Catholic question—there is, however, here nothing of the sort. . . . . .

There are, besides, among the Armenians, both in the capital and in the provinces, a large multitude heartily disposed to the new doctrines, and waiting only for opportunity or protection to stand openly among the seceders. Twenty-five years ago not a single Protestant could be found among all the natives; and now there are more than sixty-five regular Protestant teachers in Turkey, and fourteen Protestant schools in Constantinople alone! What then was the consequence of all this?—improvement in social and moral position; vigorous desire among the laity to emancipate themselves from the thraldom of the priesthood; much resistance by the hierarchy; and, thank God, much success with the people! . . . . .

Now, to what is it all ascribable? I affirm, to the singular and unprecedented liberality of the Turkish system: free scope is there permitted to every religious movement; no hindrance is ever experienced except from the Greek or the Armenian superior clergy. Not only in Constantinople, but in all the provinces, associations for religious purposes are openly recognised and permitted. Printing-presses exist at Constantinople, at Bucharest, and other great towns, where we print the Scriptures in every Oriental tongue, including the Turkish, for circulation among the Turkish people. There are forty depôts for the sale of the Bible in Turkey; and at this moment we have a host of colporteurs and native agents perambulating the provinces, reading the Word, and distributing the Scriptures, "no man forbidding them."

Now, contrast this with what is permitted or prohibited in Russia, and draw your inference as to what we have to expect should these awakening provinces fall under the dark and drowsy rule of the Czar. No associations for religious purposes are tolerated in Russia;—no printing-presses are permitted for printing the Bible in modern Russ, the only language understood by the people;—no versions of the Scriptures are allowed to cross the frontier except the German, French, Italian, and English. Not a single copy, I repeat, of the Bible in the modern Russ, in the vernacular tongue, can gain access into that vast empire; and it is believed, on the best evidence, that not a single copy has been printed, even in Russia, since 1823, in the tongue spoken by the people! No colporteurs, of course, nor native agents to enlighten the gloomy provinces; no depôts for the sale of the Scriptures; no possible access to the Word of God!

But here is a restriction which seems incomprehensible. The Emperor has within his dominions a concentrated population of Hebrews, amounting to nearly two millions:—not a single copy of the Scriptures in the Hebrew tongue is allowed to enter Poland for the benefit of this people. I am told that this is refused with even greater severity than the importation of the modern Russ. I called it incomprehensible, but on reflection it is not so; it springs from his fear of the smallest particle of light and life on the feelings and faculties of men, and especially this energetic and wonderful race. But if this be so, if this be the spirit that governs the Emperor in his own dominions, do you think that he would manifest a different spirit should he once, by right of conquest, get possession of these regions, in which he discerns the dawn of liberty and the rights of conscience? I cannot doubt, and no one can doubt, that so far as lies in man, the rising provinces of Turkey would be crushed to the level of the internal provinces of Russia!

But Russia and this "orthodox faith" are not more favourable to missions—not missions, be it remarked, to disturb the Greek Church—but missions to the wild and ignorant heathen of her own dominions, the outskirting provinces of her own empire, where the people are sunk in idolatry and the grossest darkness. Even thither no missionary is permitted to go; and to this hour we believe that no mission has been sent from the Greek Church to supply the places of the expelled foreigners. How methodical, how systematic is all this! The Moravian Brethren—(and your Lordships know well the order, decency, discipline, and vital Christianity of this admirable body)—the Moravian Brethren laboured for many years among the Calmuc Tartars between the Black and Caspian Seas. About 300 converts had been gathered together, but the missionaries were forbidden to baptize any one of them, on the ground of an old law of the Church that "no heathen under Russian sway shall be converted to Christianity and baptized but by the Russian Greek clergy." This mission was therefore abandoned.

The Earl of Shaftesbury

The Scottish Missionary Society began a mission in Russian Tartary in 1802—their operations were widely extended. A Mahomedan convert of high standing was baptized by the missionaries, upon which the authorities commenced a series of vexatious restrictions and annoyances, which compelled the Society to relinquish its operations, and, after more than twenty years' labour, and a large expenditure, to withdraw just at the time they were beginning to reap some little fruit of their exertions.

The Basle Missionary Society opened a mission among the Tartars, on the confines of Persia, and laboured first in the Persian dominions. Meeting with opposition there, they removed into the Russian territory, about 1823, where they continued about ten years, until they received orders to quit the imperial domains, and the missionaries retired to other fields of labour.

The London Missionary Society undertook a mission in Siberia, on the frontiers of Chinese Tartary. They were countenanced by the Emperor Alexander (mark this, for we shall soon see a contrast between the Czars), and joined by several Russian missionaries. But in the year 1841, after twenty years' expense and toil, this mission was suppressed, by an order from the Russian synod; this mission, on the frontiers of China, at the extremities of the empire, to the veriest heathen in the midst of darkness, ignorance, and vice, was suppressed, on the liberal and Christian ground, that "the mission, in relation to that form of Christianity already established in the Russian empire, did not coincide with the views of the Church and the Government!"

Now, in contrast with all this, take the course and policy of the Turkish Government. It has given full liberty—and it has observed what it has given to Christian missionaries of Europe and America, whether Protestant or Roman Catholic—to carry on their operations to any extent, by preaching, by the circulation of the Scriptures, by printing establishments, by living agencies; it has issued edicts of toleration; it has announced its will to protect every one in the exercise of that religion which he may conscientiously profess. I say again, as I said at the outset, that we have nothing to do with the motives of these Powers: it may be bigotry on the part of the Russian; it may be indifference on the part of the Turk—I look only to the results; and there you have every facility on the one side, and every obstruction on the other, to the progress of all that is good, and worthy, and desirable, for the human race.

What then, my Lords, was the issue? A great development of knowledge and liberal sentiment, enlarged hopes and aspirations of the Christian population, but redoubled violence and persecutions by the clergy against the laity, backed by the Russian consuls. Here are samples of the character and conduct of the Greek priests:—

> "In Turkey, the dignitaries of the Greek or orthodox Church" (the 'orthodox faith' of the Imperial Manifesto) "exercise, in some degree, the powers of civil magistrates. The abuses of the Greek hierarchy," said Lord Stratford, "as well in the exercise of civil authority as in the management of temporalities, are notorious."

This shows the character of the Greek Church in Turkey; and to understand it well, there is necessity to read more than the correspondence relating to the condition of Protestants or seceders in Turkey, from 1841 to 1851. The letters of 1844, from Consul Wood, himself, I believe, a Roman Catholic, speak, with indignation of the cruelty and intrigues of the Greek clergy; and he adds these significant words:—

> "The Russian Consul General of Beyrout has sent his dragoman to the authorities of Damascus to persuade them to assist the Greek Patriarch in recovering his flock!"

Other instances follow. Mr. Wellesley wrote to Lord Palmerston in 1846:—

> "The promises of the Armenian Patriarch, that the penalties should not affect the civil rights of the seceders, have been violated. They are falsely accused of crimes, charged with imaginary debts, turned out of their houses. The Patriarch possesses the right of banishing any Armenian from one part of the Sultan's dominions to the other."

This is the state of things which the Emperor of Russia is determined, if it be possible, to perpetuate over the whole body of the laity in communion with the Greek Church. We trace, step by step, the efforts of Lord Stratford, then Sir Stratford Canning, to obtain for the Christians of the East liberty of conscience and independence of action; and we trace also, step by step, the interposition of the Russian Government to prevent such concessions. The records of the Foreign Office are full of such facts. I do not ask my noble Friend to rise and confirm what I say, but I defy him to contradict me.

Now the disposition of the Russian Government began principally to be manifested in 1844. In that year the Consul Wood wrote to Lord Aberdeen:—

> "The menaces of the Russian Consul General, supported by the unreserved declaration that he would protest against every proceeding which tended to the encouragement of the professing Christian Protestants, coupled with the subtle intrigues of the Patriarch," &c. &c.

On this Lord Aberdeen, writing to Sir Stratford Canning, says:—

> "As the Russian Government have expressed an earnest desire that the English authorities should be instructed to abstain from taking any part in the conversion of members of the Greek Church to the Protestant faith, ... I have conveyed to the Russian Government an equally explicit desire that the Russian Consul General should be restrained in his over zealous exertions in favour of his co-religionists in Syria."

This is very good: here we have the testimony of the noble Earl, then at the head of Foreign Affairs, to the vexatious, persecuting, intermeddling activity of the agents of the Czar to harass the Greek laity.

The papers then proceed to detail the efforts of successive British Ministers to procure the public recognition and protection of the Protestant seceders from the Armenian Church at Constantinople, and for all the Protestants. The first step is a single sentence in a general proclamation; "Metropolitans and Dignitaries shall not use force or injustice to their co-nationals." Then follow cases of oppression given in details in many of which the Patriarch is the chief agent. Lord Aberdeen again declares that "remonstrances must be made against religious persecution;" the Armenian Patriarch promises to protect the Protestants at Hasbeya from violence, and breaks his promise. Lord Palmerston then takes up the correspondence, and transmits to Constantinople a memorial from the Free Church of Scotland, and puts the question wholly on the rights of conscience. The hon. Mr. Wellesley writes to Lord Palmerston and recounts the violence still perpetrated against the Protestants—by whom? by the Turks?—no such thing: by the Christians, by the clergy, by the bishops and archbishops themselves. He says:—

> "It is true, that Sir Stratford Canning, before his departure, obtained the promise of the Armenian Patriarch, that the penalties attending excommunication should be limited to the spiritual condemnation, and should not affect the civil rights of those who came under its ban. Yet not only is this promise constantly violated, but other means of annoyance have been found."

Mr. Wellesley proceeds and suggests the "incorporation" of the Protestants for their protection. He points out, however, the difficulty which would inevitably arise in obtaining such a measure—and what is that?—why, these are his own words, "the fear of offending the Russian Government"—this ever-watchful defender of the "orthodox faith!" Lord Palmerston, nevertheless, continued to urge on the Minister at Constantinople a perseverance in the measures proposed.

Next comes a memorandum from the Turkish Minister for Foreign Affairs, affirming these principles; then Lord Cowley obtains a vizierial order of toleration. Lord Palmerston transmitted a copy to the late Archbishop of Canterbury and the Bishop of London, who acknowledged it, as well they might, "with great satisfaction;" the Bishop of London terming it "a valuable concession to the rights of conscience!" To be sure it was; but when have we received such a boon from Russia? When has Christianity been thus set free in the Muscovite dominions?

But here is the climax; here is the final point of aggravation! Sir Stratford Canning obtains a charter of Protestant rights, under the signature of the Sultan, which he thus characterises:—

> "Religious liberty, and exemption from civil vexations on account of religion, are now secured to all the Protestant community; and the example of its members may, with God's blessing, operate favourably on the relaxed morals of the Greek and Armenian clergy."

Allow me, now, a few words to show what led to this happy issue—this charter of the liberties of the Eastern Christians.

> "In the latter part of January of the year 1846, the full vials of hierarchial vengeance were poured out upon the heads of the defenceless men and women in the Armenian Church who chose to obey God rather than man. They were summoned," says the narrator, "before the Patriarch, one by one, and peremptorily ordered to subscribe their names to a creed, which had been prepared for the purpose, on pain of the terrible anathema, with all its barbarous consequences. In the course of a week or so they were ejected from their shops and their business; men, women, and children, without regard to circumstances, were compelled to leave their habitations, sometimes in the middle of the night, and go forth into the streets, not knowing whither they should go, or where they should find shelter. The bakers were prohibited from furnishing them with bread, and the water-carriers with water. Parents were forced by the Patriarch to cast out even their own children who adhered to the Gospel, and to disinherit them."

What, I ask, could the fanatical Turks have done worse than this? But it proceeds:—"The Patriarch and his party resorted to every species of oppression:" they had, it appears, neither pity nor scruple; lack of power, but no lack of will, to decapitate their co-nationals. The brethren were reviled, spit upon, and stoned: some were cast into prison, and anathemas sounded against all for several Sundays throughout the churches.

The narrative continues:—

> "It was at this crisis that the bitterness of persecution was arrested, from a quarter whence such an interference might have been least expected. The Turkish Government interposed to stay the tempest of ecclesiastical fury, and protected the incipient reformation. The Armenian Patriarch, summoned before Reshid Pasha, the Minister of Foreign Affairs, was charged by him to desist from his oppressive course."

By whose influence was this? By the influence of Sir Stratford Canning, whose noble and persevering efforts, the writer affirms, to secure in Turkey liberty of conscience, are above all praise. Dr. Dwight, the American Missionary, says:—

> "It matters not with him by what name the victim of persecution is called, or to what nation or denomination he belongs—whether he be Jew or Greek, Mahommedan, Armenian, or Roman Catholic. This noble philanthropist is always ready to fly to his relief, and his influence is very great. The Lord has used him," he justly continues, "as an instrument in bringing about as great changes in this land as we have ever seen in any part of the world; and the recognition of the principle by this Government, that Protestant Rayas can live in this country, and pursue their lawful callings, and at the same time worship God according to the dictates of their conscience, is not among the least of these changes."

My Lords, I should be sorry to mention the American missionaries in the East without uttering a passing word of respect and admiration for their most noble exertions. Whatever may arise hereafter for the benefit of the Oriental Christians, a very large portion of the honour, and I trust, too, a very large portion of the happiness, will fall to the lot of those praiseworthy men, our missionary brethren from the United States. The narrative concludes:—

> "From this period the principle of toleration in connection with the Turkish Government has been steadily advancing. The Sultan, in a speech delivered at Adrianople during the year 1846, openly declared that difference in religion is a matter that concerns only the consciences of men, and has nothing to do with their civil position."

The exertions of Sir Stratford Canning were unceasing, and they reached at last their grand consummation. He obtained from the Sultan an imperial firman, whereby the Protestants were placed on the footing of the ancient established Christian communities. All previous documents had been vizierial, only local and temporary in their application; but this charter of Protestants is imperial, and stamped with the Sultan's cypher.

Hear its important words :—

"To my Vizir, Mohammed Pasha, Prefect of the Police at Constantinople.

"When this sublime and august mandate reaches you, let it be known that hitherto those of my Christian subjects, who have embraced the Protestant faith, have suffered much inconvenience and distress. But in necessary accordance with my imperial compassion, which is the support of all, and which is manifested to all classes of my subjects, it is contrary to my imperial pleasure that any one class of them should be exposed to suffering.

"As, therefore, by reason of their faith, the above-mentioned are already a separate community, it is my royal compassionate will that, for the facilitating the conducting of their affairs, and that they may obtain ease and quiet and safety, a faithful and trustworthy person from among themselves, and by their own selection" (mark the words) "should be appointed, with the title of 'Agent of the Protestants,' and that he should be in relations with the Prefecture of the Police."

My Lords, here is at once emancipation from the political power and tyranny of their priests! emancipation from the power and influence of Russia, whose instruments they are!—a recognised status, a recognised independence, a declaration and assurance of the rights of conscience! The grant was indeed of indescribable importance.

But it goes further, and adds practice to principle. The document says :—

"You will not permit anything to be required of them, in the name of fee, or on other pretences, for marriage licences or registration. You will see to it, that, like the other communities of the empire, in all their affairs, such as procuring cemeteries and places of worship, they should have every facility and every needed assistance. You will not permit that any of the other communities shall in any way interfere with their edifices, or with their worldly matters or concerns, or, in short, with any of their affairs, either secular or religious, that thus they may be free to exercise the usages of their faith.

"And it is enjoined upon you not to allow them to be molested an iota in these particulars, or in any others; and that all attention and perseverance be put in requisition to maintain them in quiet and security. And—"

Now, my Lords, attend to this,

"in case of necessity, they shall be free to make representations regarding their affairs through their agent to the Sublime Porte."

They have, therefore, a distinct agent, an officer, a representative selected by themselves, to carry their grievances to the very fountain of authority. Thus the political power of the priest was crushed, and with it the hopes and machinations of Russia!

Here, then, is the whole truth; the secret of the whole movement; the origin and the object of the Emperor's fears! The danger had become imminent; the thing was creeping from under his hand. The circulation of the Scriptures, the growth of Christianity, the rights of conscience, are the resistless preliminaries to freedom of institutions; these provinces are conterminous to his own; no quarantine, no *cordon sanitaire*, was of any avail—and how, then, put out the light that had begun to burn so brightly? Nothing was left for him but the Menschikoff note, and the imperious proposal of the *status quo ab antiquo*. And why *ab antiquo?* why these simple words, apparently so natural and so harmless? Because, had the Sultan been entrapped by this demand, had he yielded but a hair's breadth to menace or persuasion, then at one fell swoop would have been cancelled every effort of the British Ambassador for twenty years; the decree of Reshid Pasha, the firman of the Sultan; the independent position of the seceders annulled, the rights of conscience subdued, and the whole mass of the Greek laity thrown back under the thraldom of the priestly tools of the Autocrat of Russia.

Do we wonder now, my Lords, at the Imperial hatred of Lord Stratford de Redcliffe? do we wonder at the Nesselrode calumnies? Has not that great and good man, year by year, and day by day, dogged the steps of Russian tyranny? Has he not detected their plans, and enabled us to expose this colossal conspiracy against the nascent civil and religious liberties of the fairest portions of the habitable globe, and of 14,000,000 of the human race?

That these are the sentiments of the reigning Emperor, and this his policy, may be gathered from a brief comparison of himself with his predecessor. The Emperor Alexander was a very different man; and those who read the history of the two will speedily perceive the difference. The Emperor Alexander did all in his power to repress the bigotry of the Greek Church; the Emperor Nicholas has done, and is doing, all in his power to stimulate it for political purposes and his own aggrandisement. In the reign of the Emperor Alexander, there was the most free, unfettered action for the labours of the Bible Society, as much as even in England itself. The Emperor gave his personal sanction and aid to it. He issued an order that all letters on the business of the Society, as well as the Bibles and Testaments, should be transmitted, free of charge, to every part of the empire.

He gave, moreover, a house; and added 15,000 roubles for the expenses of adaptation to the purposes of the Society.

He formed the Moscow Bible Society, and announced it in this most remarkable passage—remarkable for any man, but singularly so from one of his great power and station. He said:—

> "I consider the establishment of Bible Societies in Russia, in most parts of Europe, and in other parts of the globe, and the very great progress these institutions have made in disseminating the Word of God, not merely among Christians, but also among heathens and Mahomedans, as a peculiar display of the mercy and grace of God to the human race. On this account I have taken on myself the denomination of a member of the Bible Society; and I will render it every possible assistance, in order that the beneficent light of revelation may be shed among all nations subject to my sceptre!"

These are great and glorious sentiments.

He died; and in 1826 the Emperor Nicholas ascended the throne; and what did he then do?—He suppressed, by an ukase, the Russian Bible Society with all its branches; suppressed every privilege granted to religious societies; and brought back that Cimmerian darkness of the human intellect and the human heart that he seems to prize so highly.

Has Turkey, I ask, done anything of the sort? Has she not, my Lords, in the last twenty years, allowed more to the progress of liberty and truth than Russia in the whole of the famous 900 years that the Emperor boasts as the present age of the alliance between the Sclavonic nations and the Greek communion? Undoubtedly she has; and this inference cannot be gainsaid—that, if the Sultan had been less liberal towards freedom of religion, less considerate of the rights of conscience, there would have been no Menschikoff note, and no invasion of the Principalities.

But now, my Lords, though these are not the matters for which we undertake the war, we may rejoice that we are not engaged in upholding a state of things adverse to all amelioration, and subversive of all liberty and truth. I trust that, out of our present policy, we may extract some good to be felt to the latest generation—I trust, nay, I am quite sure, that my noble Friend the Secretary of State for Foreign Affairs will complete what in his despatches he has so admirably begun, and support Lord Stratford in the largest demands for the civil and religious rights of the Christians in the Ottoman empire. I trust that this country, looking to a prosperous issue of the conflict, will consider the basis of a lasting peace, how best it can restrain inordinate ambition, assist the independence of weaker States, and dam up the floods of barbarism. The forbearance and reluctance, my Lords, manifested by the allied Powers of France and England in all their strength, have conferred incalculable service on the present cause, and on the hopes of expanding civilisation. It has secured you the sympathies of the country, the sympathies of Europe, and the sympathies, too, of that people with whom, I trust, we shall ever be allied —our brethren in the United States! It has done much to prevent the recurrence of such an evil; it has shown that war is a solemn, fearful thing; and that, while permitted to us in our fallen state, it may be resorted to only in the last extremity—not in the gratification of passion or revenge —but as a deliberate act, to assert the rights and liberties of men and nations. Seeing, then, my Lords, that we have entered on this conflict in no spirit of ambition, covetousness, or pride, but for our own defence, and in the maintenance of great principles which concern alike all the races of mankind, let us have no fear for the issue; but, offering a humble and hearty prayer to Almighty God, let us devoutly trust that his aid will not be wanting to bless our arms with success, and a speedy peace, in this just and inevitable quarrel. The noble Earl concluded by moving—

> "That an humble Address be presented to Her Majesty, for Copies of Correspondence respecting the Condition of Protestants in Turkey (in continuation of Correspondence presented to this House in 1851)."

THE EARL OF CLARENDON: I believe I shall not find it necessary to occupy your Lordships' time but for a few minutes. I rise, first of all, for the purpose of assuring my noble Friend that I can have no objection to the production of the papers for which he has moved; and, in the next place, for the purpose of expressing to him my thanks for the interesting, the important, and the opportune statement which he has just made to your Lordships with even more than his accustomed ability.

There is no man, my Lords, either within or without this House entitled to speak with the same authority upon this subject as my noble Friend, whose whole life has been devoted to diffusing a knowledge of Christianity and its attendant blessings, and who is not a mere subscriber to or a nominal patron of those religious and missionary societies to which he has this night referred, but who is their vivifying spirit—their practical and laborious superintendent. He is, therefore, necessarily acquainted with their proceedings, and the persons whom they send forth; the facts which he has stated to the House this evening are, therefore, necessarily unimpeachable, and are most opportune for the purpose of allaying the doubts and fears to which he has alluded, and for the purpose of stamping with its true character the contest in which this country is now about to engage. My Lords, I think my noble Friend described, in the proper terms, the manifesto to which he referred at the beginning of his speech. He said it was a portentous charge brought by the Emperor of Russia against the English and French Governments; and such a charge as this—that they are taking part with the enemies against the supporters of Christianity—is so, and is well calculated to raise those doubts and anxieties to which my noble Friend has alluded. Such a charge on the part of Russia is wholly consistent with the course that has been uniformly pursued in this case; for throughout the transactions of the last twelve months nothing to my mind has been more deplorable, nothing more culpable—but, on the other hand, I believe nothing less successful—than the attempt which has been made to give to this war which Russia has forced on Turkey a religious character. My Lords, war, under any circumstances, is a grievous and unmitigated calamity; but all history teaches us that a religious war, in which men fight for their faith—in which they bring themselves to believe that their deeds are peculiarly acceptable in the eyes of their Creator—in which they contend for the palm of martyrdom as well as for the palm of victory—all history teaches us that such a war evokes a spirit that imparts fresh energies to the worst passions of human nature, and finds a palliation for the blackest deeds of ferocity and vengeance. I say, then, my Lords, that it is wholly unjustifiable to have endeavoured to give to this war a religious character. In such an endeavour oppression is masked by religion, and the blessing of Heaven is invoked on acts the most unjustifiable. But, as I said before, I believe this endeavour has been attended with the fate which it deserves. There is no man out of Russia on whom it has imposed, or who has not already considered it as an unworthy artifice; and I believe that the result has not been very different in Russia itself. I believe that those exciting appeals have met with but a faint and feeble response even in that country—not certainly from any want of deference for the Imperial will, for there that deference is universal; not from any lack of religious zeal, for no nation possesses more of that zeal, or carries it to more superstitious lengths; but simply because in this manifesto there was an evident want of truth, and it was wholly unsupported by facts. The Russian people—and by the Russian people I mean the upper, the middle, and the educated classes; those who express, as far as is permissible, public opinion in Russia—well know that their religion was exposed to no danger; they had no reason either to think that the religion of the Greek subjects of the Porte was exposed to any danger, because it was notorious that the only point in dispute, and to which certainly great importance was attached—that of the Holy Places—had been satisfactorily settled. And it is remarkable that in none of those manifestoes, and in none of the despatches that have been published, is there any statement of facts, and still less is there any proof adduced, of complaints having been made by the Greek subjects of the Porte, either to their Patriarch, or to the Sultan, or to the Emperor of Russia, of their having suffered any religious oppression, of their having been denied the free exercise of their religion, or of their having been deprived of any right which had formerly been granted to them. I say, therefore, that it was manifest to the people of Russia that that was not the true state of the case. If a declaration had been made upon the part of the Emperor of Russia that the occupation of the Principalities was a necessary step, because the Danube would form a better boundary for his territories on that side than the Pruth; if he had announced that the time had at length come when he should take possession of Constantinople; or, better still, that the period had arrived when the authority of the Sultan in his own dominions should be undermined, and when he should be made the vassal and dependent of the Russian Emperor—to such declarations, my Lords, I believe there might have been a response; but to a sham cry of religion in danger, no response whatever could be found. Your Lordships will also remember what a remarkable absence of everything in the nature of a religious demonstration there has been throughout the last twelve months in Turkey. Mahomedan fanaticism and its melancholy consequence, in former days, are two well known to need recapitulation; but, in the present instance, I am glad to think that this fruitful source of internal dissension finds no place. No spirit upon the part of Turkey has been evoked in the contest in which she is now engaged, except a spirit which we can admire and with whose struggles we can sympathise; because it is a national spirit, and because it has impelled the Turks to form the brave determination to resist at the hazard of their lives the encroachments which have been made upon their rights by the invader of their liberties. But, my Lords, those manifestoes and those exciting appeals, which have been addressed rather to the Greek subjects of the Porte than to the subjects of the Emperor himself—those agents of Russia, who have been sent among the Greek subjects of the Sultan, urging them to revolt—the enrolment of 3,000 of the Sultan's subjects in Wallachia, for the purpose of bearing arms against their legitimate Sovereign — all these things are nothing but servile copies of the course which is pursued by all revolutionists and propagandists, whose acts the Emperor is always denouncing as the acts of the greatest political criminals, and to effect whose discomfiture all the energies of his mind seemed to be devoted. I say, my Lords, that it is utterly unjustifiable, and utterly without pretext or excuse, to endeavour to give this war the character of a religious contest. Still less is there any good reason for the charge—the portentous charge, as my noble Friend has termed it—made against the French and English Governments—that they are allying themselves with the enemies in opposition to the friends of Christianity. My noble Friend has truly stated what the cause of this war is. We are about to engage in a contest in support of the principles of justice and of sound policy; we are about to prevent the Emperor of Russia from furnishing the pernicious example by which it may be established that the independence of a weak State may be annihilated by her more powerful neighbour; and we are about to resist an aggression by which the territorial limits and the equilibrium of Europe, as established by treaty, are threatened to be disturbed. Would, as my noble Friend has observed, that we might be able to put a stop to that blighting influence which has deprived more than one country—indeed I may say so large a portion of Europe—of its free and unshackled right of action; that influence which has always been exerted to check that progress in civilisation which is so essential to the promotion of a nation's welfare; that influence moreover, which, by stigmatising them as tending to excite revolution, has checked all those improvements which Governments have been willing to make, and which a people deemed fit to be the objects of more enlarged privileges were entitled to expect. It is by pursuing such a course that disloyalty and discontent have been encouraged, and it is by acting upon that policy—a policy which with us has found no favour—that Russia, while she professes to do her utmost to repress it, has been in reality serving the cause of revolution. I agree with my noble Friend that the liberty which the Christians have in Turkey may be owing to the indifference of the Mahomedans. There is no reason why the Sultan, exercising a despotic power, should not foster the Mahomedan religion as the religion of the State, and that none other should be professed there, or why he should not say that the *Koran* contains the whole truth, and therefore prohibit the use of the Bible. But, as my noble Friend says, what we have to do with is not the motive, but the fact; and your Lordships will find evidence, even beyond that which my noble Friend has adduced in his speech this evening, in the papers which have been laid upon your table, evidence which demonstrates, by a decree of the Sultan which was issued last year, his ardent wish and firm intention that all classes of his subjects should be perfectly at ease with respect to matters of a religious and spiritual character. He has further stated that he is determined that the concessions which have been made to the Protestants should for ever remain inviolate. Those words, my Lords, afford the measure of the Sultan's liberality and toleration. My noble Friend has given you the measure of the liberality and toleration of His Majesty the Emperor of Russia. I may add still further, that it was only last year that the Sultan gave liberty for the use of certain lands as burial-grounds for the Christian community, with liberty to the Protestants to erect a chapel, and to have divine service performed in it. All this, too, took place at a time when your Lordships were informed by papers which were laid upon your table, and when the country was informed, that in another nation, whose inhabitants would probably consider themselves degraded by any comparison with the subjects of the Sultan, the exercise of the Protestant religion was strictly prohibited, and the Protestant dead were ignominiously smuggled into their graves. In further proof of the desire which has been manifested by the Sultan, not alone to secure to his Christian subjects the full and free exercise of their religion, but also to improve their civil condition, I shall take the liberty of furnishing you with a proof which has only very recently come under my own notice. About half an hour before I came down to the House I received a despatch from Lord Stratford de Redcliffe, which I think in some measure confirms the views which my noble Friend takes upon this subject. It is dated "Constantinople, February 25." Lord Stratford de Redcliffe writes as follows:—

> "I have much satisfaction in reporting to your Lordships that the firman for establishing Christian evidence on an equality with Mussulman throughout the Turkish empire is complete, and that it received the Sultan's sanction shortly before I had the honour to receive your Lordship's instructions relating to the question which it has now settled once for all on a broad and firm basis. I have received a copy of it from the Porte. No time will be lost in promulgating it, and I propose to send a translation of it by the *Trieste* steam-packet, which goes to sea the day after to-morrow. I have reason to hope that this great act of long-withheld justice will be followed by other proofs of the Sultan's comprehensive beneficence and of the improved spirit prevailing among his Mahomedan subjects. It is my ardent wish that the Christian and other non-Mussulman classes of the population of this empire may duly appreciate the benefit conferred upon them, and justify by their peaceful and loyal behaviour the increasing good-will manifested towards them by the Sultan and his Government. The *haratch* is no longer levied in a manner vexatious to individuals, but it is an unjust and degrading tax, for the complete abolition of which I shall continue to employ my strenuous exertions."

Now, my Lords, while speaking of what the Sultan has already done, and with respect to that which he has announced it to be his intention to do in future, in order to promote the welfare of his Christian subjects, I cannot pass over this opportunity of expressing my deep regret at the movements which have of late taken place on the part of the Greeks. I admit that great civil reforms are still necessary, and that the Greeks have much to complain of; but I am perfectly convinced that it is not by insurrection that anything good or substantially useful can be effected. I am perfectly sure that it is not by idle dreams of a Byzantine empire that Greece will ever be raised to a proud or a prosperous position; it is not by playing the game, while abhorring the dominion, of Russia, that reforms in her internal condition can be effected; it is not by thwarting the measures of the Four Powers, but by confiding in the honour and good faith of the Sultan, that those reforms can alone be accomplished. I shall take this opportunity to repeat what I said a few nights ago—namely, that the Four Powers who are now engaged in this question, and who are determined to uphold the independence of the Ottoman empire, would ill perform their duty—would but imperfectly understand the true character of their mission, and would be neglectful of what they owe to the best interests of the Sultan, if they did not use their best endeavours to secure the civil as well as the religious rights and privileges of his Christian subjects, and if they did not open the way to Christian civilisation, with all its progress and prosperity, which they are convinced must prove eventually the best shield for the independence of Turkey, which will best enable her to meet the attacks of the foreign invader, and to secure herself against the baneful consequences of internal revolutions.

Earl GREY said, that he must express his satisfaction at the despatch from Lord Stratford de Redcliffe, which his noble Friend the Secretary of State for Foreign Affairs had just read. The noble Lord had, in a few significant words, explained some of the facts which had been referred to by the noble Earl who introduced that discussion. At the same time he (Earl Grey) must be permitted to observe that, while they were paying these compliments to Turkish toleration, there could be no room to doubt that the reason why the Turks treated the Christians of different denominations alike arose from total indifference to their sectarian distinctions; and it should be remembered that that toleration was confined to what took place between the various Christian sects. All these Christian sects were looked upon as dogs, and between one kind of dog and another the true Mussulman saw very little difference. But if he (Earl Grey) was correctly informed, a very different spirit than one of toleration was shown in Turkey towards any Mahomedan who turned from what was considered the true faith there, and he believed that converts to Christianity were exposed to very severe penalties. Whatever internal reforms had been going on in Turkey of late years, it was clear from the papers that had been laid before their Lordships that the Turks still continued to oppress their Christian fellow-subjects, and that the state of things which formerly existed still remained to a great degree. He would not now trouble their Lordships by quoting extracts to prove this proposition, but nobody who had read the blue books would dispute what he had just stated. He sincerely hoped that the improvements which it appeared were now taking place in the administration of Turkey would not be too late to effect their object. He fully concurred with the opinion expressed by his noble Friend (the Earl of Clarendon), that the Christians of the western provinces of Turkey were acting most unwisely in making themselves the tools and instruments of Russia. At the same time allowance should be made for the conduct of these people, and their Lordships should remember what must be the feelings created in the bosoms of men by four hundred years of unmitigated oppression and cruelty. The Turks were now only making tardy concessions, which for centuries their superior power had enabled them to withhold; and if an intestine war between the Mahomedans on the one side and the Greeks on the other should arise in those districts, and grow serious in its importance, he hoped in that case that the arms of England would not be employed in coercing the Christian subjects of Turkey to submit to Mahomedan rule. Having advanced so far as we had done, there was nothing for this country to do but to prosecute the war with Russia with the utmost determination and vigour; but it did not follow from that that we should engage in an internal war between the Turks and the Christian subjects of the Porte. However mistaken those Christians might be—however unwise we might think their conduct—he said, looking at the circumstances of the case, it was not fit that the arms of England should be employed against men in their position. A careful consideration of all the information which

had been produced on this subject only served to convince him that it would have been desirable, at almost any hazard, that the *status quo* should have been maintained, and should not have been disturbed by a recourse to arms on the part of this country. He could not but still entertain the utmost fear, which he expressed the other night, that we had embarked in a course the difficulties of which were yet but little understood, and that we had placed ourselves in a situation in which we should be called upon to mediate between races which were bitterly and irreconcilably hostile to each other, and, in fact, that we might have to govern a large population without adequate means for doing so. He certainly earnestly hoped that such beneficial results might be attained in the end as his noble Friend (the Earl of Shaftesbury) seemed to anticipate from the contest; but, with the opinions which he entertained, he could not refrain from stating his belief that those results would have been better arrived at by a course of a different character.

The Earl of ELLENBOROUGH said, he trusted that, whatever relaxations or alterations might be made in the laws of Turkey in behalf of the Christian subjects of that country, England would not take upon herself the obligation of guaranteeing the faithful observance of any concessions which might be made by Turkey to the Christians. He knew of nothing that would conduce more to create further complications in the future affairs of Europe than that we should, by binding ourselves to maintain alterations in the Turkish laws, place ourselves in the position which we had refused Russia permission to assume, namely, that of protectors of the Christian subjects of the Porte. Therefore, however much he might desire that the friendly representations which our Minister to the Porte had made under different circumstances and at different periods in favour of the Christians in Turkey should still be continued and be attended with success, he did most earnestly desire that we should not appear in any manner to acquire the right, or to incur the obligation, of enforcing the future observance of the new laws which might be passed in the Ottoman empire. He said this the more, because he agreed with the noble Earl who had just sat down, that the laws passed by the Turkish Government in favour of its Christian subjects, however well intended, and however sincere the desire on the part of the Government that they should be observed, had, nevertheless, in point of fact, not attained their complete observance, in consequence of that which would always practically alter the character of a law—namely, the continued predominance of the ruling nation—the greater energy of the Mahomedan population, who would refuse practically to their Christian fellow-subjects the enjoyment of the privileges which their more enlightened Government might grant. If the Greeks really desired to obtain equality under the law in practice as in right, it was not by opposition to the Turkish Government and by insurrection, under present circumstances, that they would succeed in their object; on the contrary, insurrection, under circumstances which it was impossible that any Mussulman could ever pardon, would create irreconcilable hatred between the two creeds, and only end in increasing a persecution from which the Greeks might otherwise be relieved. If the Greeks wished to be placed by the law upon the same footing as the Turks, let them come forward and unite with the Turks for the protection of their native land against the foreign invader; let them join the Turkish standard, and rally round the colours of their country. They might depend upon it the best friendships were those that were formed in the hour of mutual danger, and cemented in the field of glorious victory. If they showed themselves worthy of defending the country of which they were born the subjects—if in the day of battle they displayed courage such as had been evinced by the Turks—they might feel assured that they would acquire, first, that self-respect which was the best security for the observance of the law, and next, the respect of the Turks themselves, who, in peace, would be ready to concede equality to the men who had fought by their sides for their common country. They would thus become really equal with the Turkish subjects of the Porte, and might perfectly enjoy the benefits of those relaxations of the law which were now to be afforded them.

EARL FITZWILLIAM rose to express his entire concurrence in the commencement of the speech of his noble Friend who had just sat down, where he warned the Government of this country against becoming in any way the guarantee for the privileges which the Christians might enjoy in the Turkish empire. Indeed, if anything, he (Earl Fitzwilliam) went beyond his noble Friend, and ventured to doubt whether the present moment was the suitable time at which it would be expedient for our Ambassador at Constantinople to exert himself to obtain any concessions for the Porte's Christian subjects, or any relaxation of obnoxious laws to which they might now be exposed. He believed it was not desirable that we should, even by such solicitations and representations, make ourselves, to a certain degree, parties to the engendering of that mischievous religious feeling which it seemed to be the endeavour of the Emperor of Russia to excite in the various nations of the east of Europe. Anxious as he (Earl Fitzwilliam) might be to see the Christians in Turkey released from the remnants of that severe code which the noble Earl (Earl Grey) told us they had been groaning under for the last four centuries, he did not wish that we should select this particular time for pressing the Turkish Government to make such reforms. Having stated thus much, he must express the deep regret he felt at the speech of his noble Friend (Earl Grey), because, however that noble Lord might endeavour to guard himself, and to qualify the language he used, he might depend upon it that if a person of his authority in that House, and of his influence in the country, indulged in the same tone as he was sorry to see had been adopted in other places, he would produce a much more mischievous effect than if such sentiments were confined to the quarter to which he rejoiced that they had hitherto been chiefly confined. The expression of such opinions as those of the noble Earl in that House would tend to damp the ardour of the country in the contest in which it was about to be engaged—a struggle which he agreed with his noble Friend at the table (the Earl of Shaftesbury) in considering was not a contest between nation and nation, it was scarcely a contest between principle and principle, but was rather a contest between civilisation and barbarism. It was impossible for their Lordships to have listened to the powerful speech and interesting statements of his noble Friend at the table without perceiving that, if those statements were true (and they could not be denied), the contest in which the western nations of Europe were now about to be embarked, was a contest not even against Russia, but a contest between civilisation on the one hand and barbarism on the other—a contest (he would say it in spite of the declaration of the Emperor of Russia)—a contest between religion on the one side and practical infidelity on the other. It was not England or France that was siding with the enemies of Christianity, but he said that England and France were cordially uniting together in order to avert a state of things in which barbarism and infidelity might prevail over civilisation and religion.

On Question, *agreed to.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 10, 1854.

MINUTES.] PUBLIC BILLS.—1° Ministers' Money, &c. (Ireland).
2° Exchequer Bills (£1,750,000).
3° Highways (South Wales); Valuation (Ireland).

MINISTERS' MONEY, ETC. (IRELAND) BILL.

Order for Committee read; House in Committee.

SIR J. YOUNG said, he would now propose the Resolution to which he had directed the attention of the House yesterday.

Motion made, and Question proposed—

"That the Chairman be directed to move, that leave be given to bring in a Bill to amend the Laws relating to Ministers' Money and the Church Temporalities (Ireland) Act."

MR. FAGAN said, he should move to substitute an Amendment in the spirit of his observations of yesterday. He had no wish to act in a factious spirit as regarded the present Government, but after the division of last night he felt fully justified in proposing this Amendment and pressing it to a division.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'it is expedient that a Bill be brought in for the total abolition of Ministers' Money in Ireland, and for providing a substitute therefor out of the funds of the Ecclesiastical Commissioners"—instead thereof."

MR. MIALL said, he wished to ask the Government whether they would not consider it advisable to withdraw a proposition which the vote of last night proved would be distasteful to the great body of their supporters, and which the Roman Catholics in Ireland would not receive with any satisfaction? It was utterly futile to propose a compromise in religious questions. He understood the great difficulty in the way of the settlement of this question, which involved a sum of not more than 15,000*l.* a year, was simply the principle of the inviolability of church property. Now if that was the principle which was to guide the Government in the decision of all outlaying questions, then he supposed they must come to the conclusion that the church-rate question would be decided upon exactly the same principle. He would earnestly entreat the Government to consider the propriety of acceding to the Amendment of the hon. Member for Cork.

MR. BRIGHT said, he also thought, with the hon. Member for Rochdale, that the Government ought to have some regard to the division of the previous night, when they proposed to deal with this question. Had the question been left an open one with the Members of the Government, there was but little doubt that the Motion of the hon. Member for Cork would have been carried. The opponents of that Motion were composed principally of hon. Gentlemen on the other side of the House, but if Ministers desired to carry on the Government by the aid of those who sat on the same side with themselves, they ought, when they saw their opinion clearly manifested as it had been upon the previous night, and upon a point in which they did not differ from them in principle, to make some concession. He would also appeal to hon. Gentlemen opposite—he spoke not as a Dissenter, but if he was as firm a Churchman as the hon. Member for North Warwickshire (Mr. Newdegate) himself—and was as anxious as he was that the Established Church in Ireland should be preserved, and not as a political but as a religious and a Protestant institution, should increase in influence, he should desire to see as a step in that direction, this question of ministers' money settled for ever—and settled, not on the basis of any compromise, but in a way which should effectually prevent the Irish Roman Catholics coming forward at any future time and saying, "justice has not been done us." As he understood, the Government now proposed to take away a portion of the tax, and thus make some inroad into the principle of the inviolability of this portion of the resources of the Church the only difference between their proposition and that of the hon. Member for Cork (Mr. Fagan) being, that whereas he wished to take away the whole of the 15,000*l.* a year, which was the produce of this impost, and transfer it to some other source, they proposed to deal with only a portion of it. Was it, then, worth their while, for the sake of this paltry sum of a few thousands a year—was it worth their while, looking at the position which it was desired the Established Church should occupy in Ireland, to insist upon a settlement which could not be permanent, but which would operate as an encouragement next Session and every succeeding Session while it existed to Irish Members to bring the question before the House? Would it not be far better to get this question—trifling as to its pecuniary importance, but great as a matter of principle—out of the way altogether? What was the use of taking another division, in order to show that there was a larger minority on the one side than on the other? There could be no doubt, supposing it was thought necessary, for the sake of the Protestant Establishment in Ireland, to keep up this payment of 15,000*l.* a year, that the Ecclesiastical Commissioners for Ireland might soon find the means, from the funds at their disposal, of providing for it, in order to put an end to a grievance which, while it continued, must necessarily occasion ill-feeling and dissatisfaction on the part of the Roman Catholics of that country. He trusted that the right hon. Secretary for Ireland would consent, under the circumstances, to go one step further than he had gone last night, and consent to the Amendment of the hon. Member for Cork.

Question put, "That the words proposed to be left out stand part of the Question."

The Committee *divided:*—Ayes 136; Noes 93: Majority 43.

Original Question put, and *agreed to.*

MR. HADFIELD said that the Committee had now confirmed the principle for which he contended by conceding a part of the tax, and it was now more necessary to press for its total abolition. He wished to give notice that to the best of his ability he should on every stage endeavour to throw out the Bill.

House resumed.

Resolution for Bill *reported.*

Bill ordered to be brought in by Mr. Bouverie, Sir John Young, and Viscount Palmerston.

Bill read 1°.

EXCHEQUER BILLS (£1,750,000) BILL.

THE CHANCELLOR OF THE EXCHEQUER moved the second reading of this Bill.

MR. SPOONER said, he wished the right hon. Gentleman would explain what was the proposed object of this grant.

THE CHANCELLOR OF THE EXCHEQUER: The object of the grant is this: that we propose to the House to provide a sum of between 3,000,000*l.* and 4,000,000*l.* by means of an addition to the income tax, and the addition to the income tax is to be levied with respect to the six months commencing the 6th of April and ending the 10th of October. Of course, therefore, no portion of the addition levied will be received until after the 10th of October. In point of fact, it will be in course of collection between October and next April. But the money to be spent is, for the greater part, required to be spent in the early portion of the year, and that being so, we propose to the House to enable us to raise by Exchequer bills a sum of money limited to a maximum of 1,750,000*l.*, in anticipation of the augmented proceeds of the income tax, which will come in during the last half-year.

Bill read 2°.

House adjourned at half after Five o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 13, 1854.

MINUTES.] PUBLIC BILLS.—1ª Valuation (Ireland) Act Amendment; Highways (South Wales); Bills of Exchange.
2ª Consolidated Fund (£8,000,000).

BILLS OF EXCHANGE BILL.

LORD BROUGHAM *presented* a Bill to permit the Registration of dishonoured Bills of Exchange and Promissory Notes in England, and to allow Execution thereon. He said he wished to call the attention of the noble and learned Lord on the woolsack to this very important subject connected with the mercantile law of the kingdom. A few days ago, when presenting the Scotch Bankruptcy and Insolvency Bill, he stated that the assimilation of the Scotch and English mercantile law, now under the consideration of the Commission issued by the Lord Chancellor, was of two kinds, either assimilating the Scotch law and practice with the English law, by extending our improvements to Scotland, or improving the English law and practice by importing improvements from Scotland. The Bankruptcy and Insolvency Bill, which their Lordships were pleased to read the first time on Friday last, was of the first description, its object being to extend to Scotland those great improvements which had of late years been effected in the English law and practice of bankruptcy; but now he desired to present to the House a measure of the reverse kind, namely, a Bill for importing into England certain provisions in the Scotch mercantile law and practice which, in his humble apprehension, would be one of the greatest improvements that could be adopted in this country. The law at present in force in Scotland with regard to promissory notes and bills of exchange dated from the year 1682; it then referred only to inland bills, but, in 1690, it was extended to foreign bills; and, in 1772, it was made complete by being extended to drawers and indorsers as well as to acceptors, to whom it had till then been confined. When in England the holder of a bill of exchange found that he could not obtain payment from the drawer, the indorser, or the acceptor, as the case might be, his only remedy was an action at law, and the party sued naturally took advantage of all the delays and niceties of the law in order to evade, if possible, but, at all events, to postpone, the evil day of payment; and the holder ran the risk of his bankruptcy in the interval. Not so in Scotland. There the holder of a protested bill had only to register it, and the instant it was recorded a stop was put on all dealings with the debtor's property. That security to the holder of the bill was immediate, but in six days after he obtained a much better security; he had execution against the person and goods of the debtor. In order, however, to protect the latter against forgery or fraud of any description, he was permitted to institute a process with the view of staying execution, after which the matter would have to be decided before a tribunal in the regular manner; but, before the debtor could take advantage of that recourse, he must give security to the holder of the bill, not only for the amount of the debt, but also for the costs of the proceedings. The effect of that law had been most salutary to the traders of Scotland; indeed, it was not too much to say that the progress of trade and commerce in that part of the United Kingdom had been materially assisted by the admirable state of the law respecting bills of exchange and promissory notes. He would show how rarely the summary execution was resisted. In 1853 the number of bills protested was 2,470, but that was a year of commercial prosperity, and, in 1849, the number of protests was upwards of 4,700. The proportion of cases in which there was any attempt to stay execution was very small —not more than one per cent, and in a still less number was the resistance successful, perhaps not one case in a thousand. A law of the same sort prevailed in France, though imperfectly; in Holland the law was in some respects even more stringent than in Scotland, while, in all particulars, it gave at least the same security which the Scotch law afforded to the holders of bills of exchange. He believed it was the intention of the noble and learned Lord on the woolsack shortly to move the second reading of the Common Law Procedure Bill, and, as it might be possible to introduce this provision into the English law by an alteration in that Bill, he should merely ask that this Bill of his be read a first time then, and should postpone the second reading so as to give his noble and learned Friend an opportunity of considering this suggestion.

THE LORD CHANCELLOR said it certainly was his intention, on an early day, to ask their Lordships to give a second reading to the Common Law Procedure Bill, but it was not his intention to proceed to a Committee on that Bill until his noble and learned Friend the Lord Chief Justice had returned from circuit, and could give the benefit of his assistance to that Committee. No doubt their Lordships would give the second reading to the Bill just presented by the noble and learned Lord, but, after that, the most convenient course would probably be to refer it to the same Committee with the Common Law Procedure Bill. He fully appreciated the importance of the object which his noble and learned Friend had in view, but the alteration proposed to be introduced into the law of England was of so sweeping and novel a character, that he trusted the Bill would be widely circulated in the city of London, in order that those who were in the habit of accepting bills of exchange might be able to express an opinion upon the subject. Meanwhile, he would merely suggest whether, in this mercantile community, differing so much from the great bulk of the people in Scotland, a proposal to put a sort of charge upon all the property of parties would not tend very much to impede the giving of bills of exchange, which, after all, greatly facilitated proceedings on the part of creditors.

LORD BROUGHAM said the merchants of Scotland, especially those of the great trading city of Glasgow, were fully alive to the objection taken by the noble and learned Lord; but, notwithstanding, they were convinced that the existing law was productive of incalculable benefits. Its tendency to prevent inconsiderate credit being given was among these.

Bill read 1ª.

SECRET CORRESPONDENCE BETWEEN THE ENGLISH AND RUSSIAN GOVERNMENTS.

THE EARL OF DERBY: My Lords, I rise to put a question to the noble Earl at the head of the Government, of which I have thought it my duty to give him notice, but which I think, even though no notice had been given, he would have anticipated after what has occurred, and to which I hope he will have no hesitation in giving me an answer. In most of the morning papers of Saturday last there appeared a document of a very remarkable character, purporting to be an extract from the *Journal of St. Petersburg*, and professing to be in point of fact a semi-official answer of no less a personage than the Emperor of Russia himself to statements made in the other House of Parliament by one of the leading Members of Her Majesty's Government. Now, if that article had merely contained a protest against the expressions made use of by that Member of the Government, as being inconsistent with the position he occupied, and derogatory to the dignity of the party to whom he referred, I would certainly not have thought it necessary to call attention to the subject, which in that case would have assumed much more of a personal than of a public character; but the assertions and allegations contained in that manifesto or memorandum, or whatever it may be called, are of a nature which require an explanation at the hands of Her Majesty's Government, because unexplained they appear to reflect upon, at all events, the political honour—I might almost say the personal honour—of some of the principal Members of Her Majesty's Government. I have taken the extract which I hold in my hand from the *Times* newspaper, first, because I think the article from the *Journal of St. Petersburg* is given more fully in the *Times* than in most of the other newspapers; and next, because the *Times* is a paper which professes—and, I believe, truly—to enjoy to a great extent the confidence of Her Majesty's Government, and more especially of the noble Earl at the head of the Government—a confidence, I hope, which is not entirely undeserved, and which I must say appears to be reciprocated by the journal in question, for, at all events, it reflects with singular accuracy the opinions expressed by the noble Earl; and thirdly, because the comments which appeared in the *Times* upon the Russian document were themselves hardly of a less remarkable character than the document to which they referred. The Emperor of Russia, or rather the editor of the *Journal of St. Petersburg*, who probably would not without the Imperial sanction put forth a document of this character, after commenting upon the language made use of and the expressions applied to the Emperor by Lord John Russell, in his place in the House of Commons, proceeds to say:—

> "That such distrust may have been entertained by France—that it may up to a certain point have found a place in the mind of a Government still recent, which has not had time to acquire by long experience of former relations with it an exact idea of our real intentions, and abandoning itself involuntarily to the almost traditional opinion which has been formed of Russian policy in the East—that may be easily conceived; but on the part of England, which is aware of the antecedents and the character of the Emperor from a connection of long date, an opinion of such a nature justly excites surprise. Less than any other the British Government should entertain such suspicions. It has in its hands the written proof that there is no foundation for them, for long before the present condition of affairs, before the questions which led to the mission of Prince Menchikoff to Constantinople had assumed so serious an aspect of difference, before Great Britain had adopted the same line of policy as France, the Emperor had spontaneously explained himself with the most perfect candour to the Queen and Her Ministers, with the object of establishing with them a friendly understanding even upon the most important result which can affect the Ottoman empire."

For this last sentence, in a leading article of the same date, the *Times* substitutes another expression which is even of a stronger character, the concluding words being—

> "The Russian Government thinks fit to declare that, whatever might be the grounds of mistrust entertained by other Powers, the English Ministry had no reason to doubt the views of Russia, inasmuch as at an early period preceding Prince Menchikoff's mission the Emperor Nicholas had 'spontaneously communicated with the Queen of England and Her Ministers, for the purpose of, establishing an intimate agreement with them, even in the event of the most formidable contingency which could befall the Ottoman empire.'"

The article from the *St. Petersburg Jour-*

nal, after alluding to the disorganisation of the Turkish empire, goes on to say:—

"Since the year 1829 His Majesty followed with great attention the march of events in Turkey. The Emperor could not shut his eyes to the consequences of the changes which were, one after the other, introduced into that State. Ancient Turkey disappeared from the time when it was sought to establish those institutions diametrically opposed as well to the genius of Islamism as to the character and usages of the Mussulmans—institutions more or less borrowed from modern liberalism, and consequently entirely opposed to the spirit of the Ottoman Government. It became evident that Turkey was undergoing a complete transformation, and that these experiments, at least doubtful so far as regarded the reorganisation of the empire, seemed rather calculated to lead to a crisis which would overturn it. It seemed likely that a new order of things would arise which, although indefinable, would at all events destroy that which existed."

The writer then alludes to the recent events which, in his opinion, have greatly aggravated and accelerated the crisis in Turkey, and among which he enumerates the affair of Montenegro, the religious persecution exercised in several Christian provinces, a difference with the Austrian Government, considerable financial embarrassment, and, lastly, the important affair of the Holy Places and the "imperious demands" of the French Ambassador at Constantinople. He then proceeds to say:—

"Penetrated with the extreme importance of such a result, and having at that period almost reached the region of the possible, if not entirely of the probable—convinced of the disastrous consequences which might result from it, the Emperor thought it necessary to assure himself beforehand whether the English Government shared his apprehensions. He wished more particularly by a frank previous understanding to remove every subject of misunderstanding between Great Britain and himself. It seemed of the highest importance to His Majesty to establish the most perfect identity of views with the Government of Great Britain. With this view the Emperor engaged the English Minister at St. Petersburg to cause Her Majesty to be informed of his anticipations with respect to the danger, more or less imminent, that menaced Turkey. He requested on this subject a confidential interchange of opinions with Her Britannic Majesty. That was certainly the most evident proof of confidence which the Emperor could give to the Court of St. James; and thus did His Majesty most openly signify his sincere wish to prevent any ulterior divergence between the two Governments. Sir H. Seymour acquitted himself forthwith of the important commission which the Emperor had impressed on him in a long and familiar conversation. The result has shown itself in a correspondence of the most friendly character between the [present English Ministers and the Imperial Government. It is not permitted to us to divulge the contents of non-official documents, which do not concern the Emperor alone, and which contain the expressions of a mutual confidence. What we are permitted to say is, that, in examining the circumstances more or less likely to affect the duration of the *status quo* in the East—an examination undertaken from the conviction respectively entertained that every effort should be made to sustain that *status quo*, and to prolong it as long as possible—there never was any question of a plan by which Russia and England might dispose beforehand, and between themselves, of the destiny of the different provinces which constitute the Ottoman empire; still less of a formal agreement to be concluded between them, without the knowledge and unassisted by the counsel and intervention of the other courts. The two parties were limited to a frank and single confidence, but without reserve on either side, to communicate what might be adverse to English interests, what might be so to Russian, so that in any given case hostile or even contradictory action might be avoided."

The concluding paragraph is thus expressed:—

"In looking over the different parts of this confidential correspondence, in recalling the spirit in which they themselves had interpreted it, the Ministers with whom at the time it was carried on, and who since have permitted themselves to be swayed by prepossessions to be regretted, will be able to decide if those prepossessions are just. Let Lord J. Russell more especially reperuse that correspondence, in which he was the first to take part, before ceding to Lord Clarendon the direction of foreign affairs. Let him consult his conscience, if the passion which leads him astray permit him to recognise its voice. He can decide now whether it be really true that the Emperor has been wanting in frankness towards the English Government; or if rather His Majesty has not unbosomed himself to England with as little reserve as possible; if there exists the least reason for believing that we have ambitious or exclusive views on Constantinople; or if, on the contrary, the Emperor has not explained himself in a way to remove all doubt as to his real intentions on the subject of the political combinations to be avoided, in the extreme case which he at the time pointed out to the foresight of the British Government."

Now, my Lords, I must say that the statement made in the concluding paragraph, that there were on the part of the Emperor of Russia no ambitious views with regard to Turkey, appears to be, I think, from the course which events have since taken, and from the papers which the Government have submitted to your Lordships, an allegation which cannot be maintained; but that which is really important in what I have read to you is, that here is a declaration that the Emperor of Russia had, through Sir Hamilton Seymour, made the most friendly and unreserved communication to the British Government of the views and intentions which the Emperor entertained on this subject—that the result of that communication was a most friendly correspondence between the Emperor of Russia and different Members of the British Government, and, as far as the Emperor could judge, a perfect identity of sentiment between the two Governments with regard to Turkey—and that, therefore, the British Government had no right to express the least surprise at the course which was subsequently pursued by the Emperor of Russia, or to deal with his motives as if they were not previously communicated or understood, and still less to affect to regard that course of action as a sufficient motive for entering into a war. But, my Lords, what appears to me to be something remarkable in the conduct of the British Government is this, that while, on the one hand, the Emperor of Russia refers to this confidential correspondence, for the purpose of showing that he had no ambitious designs with regard to Turkey, and the *Times*, on the other hand, alludes, in a somewhat authoritative style, to the same correspondence for the purpose of proving that there were ambitious and violent designs on the part of the Emperor of Russia with reference to the dissolution of the Turkish empire and its final settlement—while all this must have been evident, the British Government should imply that they were ignorant of what the intentions of the Russian Government really were. I do not at all complain, my Lords, that the communication made to Sir H. Seymour by the Emperor, and the subsequent confidential correspondence between the two Governments, were, in the first instance, not included in the papers submitted to Parliament, because the withholding such papers might well be justified by an honourable objection on the part of the British Government to make use of private correspondence for public purposes. Previously to the late discussion on the documents which have been laid on the table, I had some intimation of the existence, and even of the nature, of such a correspondence; but I thought that the Government might regard it as a correspondence of so confidential a character that it should not be made public, and in that case I considered it my duty not to make use, in this House, of any information which I might privately have obtained. But, my Lords, I am about to refer now to the comments which are made—comments of a very singular character—by the *Times* newspaper, and, I must say, in passing, that this is not the first occasion upon which the *Times* newspaper, within the course of the last few months, has professed to be in possession, and has proved to be in possession, of secret and exclusive information which ought to have been known only to the Cabinet; and has also had possession of, or access to, papers which have been refused, and are still refused, to the two Houses of Parliament, and to be at liberty and apparently authorised to make public these documents refused even to Parliament itself. The noble Earl at the head of the Government may, therefore, disclaim as he thinks fit having any communication with the *Times* newspaper. I do not say whether he has or not. He may have no communication whatever directly and personal himself; but all the noble Earl's disclaimers will not persuade me, or any human being in this country, that the *Times* newspaper would insert such an article as that I am about to read to your Lordships, or would convey information of the character of that to which I am about to refer, without being informed by a person or persons who had official information on these matters, and who thereby have divulged that which ought to have been a Cabinet secret. The *Times* says:—

> "We are informed that in the course of Lord John Russell's brief administration of the Foreign Office—that is, in January, 1853—Sir Hamilton Seymour was requested by the Emperor, and empowered by his own Government, to enter into a detailed private conversation with the Emperor himself on this subject; and a correspondence ensued, not of an official character, and the secrecy of which does not concern the Emperor alone, but which disclosed in the fullest confidence the views of the Court of St. Petersburg with reference to the approaching dissolution of the Ottoman empire."

The *Times* refers to previous and present transactions apparently with a full knowledge of the facts, and gives to the communications of the Emperor of Russia the interpretation which I think is likely to be given to them by the country—namely, that the Emperor of Russia did entertain the most ambitious views with regard to Turkey, and had, as he thought, placed himself in a state of identity of action with the British Government. It proceeds:—

> "We have not now to learn for the first time that, before the Emperor Nicholas engaged in these extraordinary transactions, he had attempted at various times and in different forms to lure almost every Court in Europe to share in the plunder of Turkey. As long ago as his own visit to this country he held the same language, and it may have been repeated in greater detail in the course of last winter."

Now, mark, the *Times* newspaper is not

only in possession of the fact of those communications having been made, of this correspondence having taken place, and of the character and nature of the correspondence—but the *Times* newspaper appears also to be aware of the fact of an answer having been sent, and of the nature and character of that answer. It goes on:—

> "But what answer did he get to these overtures? What answer did he get when he sounded Lord John Russell, of all men in the world, on the subject of an eventual partition of Turkey? We confidently reply, that he was met by an indignant refusal on the part of the British Government. He was told, if we are not greatly mistaken, that this country could entertain no proposal in any form which presupposed the dismemberment of an empire the integrity of which we had frequently engaged to respect and even to protect; that the British Government strenuously opposed any change in the *status quo* of Turkey, as a source of danger and difficulty to the world; and that, as this communication had been made in a friendly spirit, England strongly recommended the Emperor of Russia to abstain altogether and scrupulously from any interference in the affairs of Turkey, which must be productive of great perils to the world."

How did the *Times* know anything about this, I should like to know? The article proceeds:—

> "As these communications were of a confidential nature, and wholly anterior to and unconnected with the affair of the Holy Places and Prince Menchikoff's mission, the Government appear to have thought that they did not properly form part of the correspondence recently laid before Parliament, but constituted a separate transaction. This challenge of the Russian Government relieves them from all further uncertainty on that point. Lord John Russell's answer to the Russian overture will do him no dishonour; and, although in time of peace it might have been inconvenient to lay bare the pretensions Russia has sometimes indicated, our present relations are not likely to suffer from an 'indiscretion' she herself has provoked; and we trust the whole correspondence will be immediately produced."

Now, my Lords, again I ask, how can any newspaper in this country know what were the particulars of a confidential overture made by a foreign Sovereign to certain Members of the British Government? or how could the *Times*, or any other paper, know what was the confidential answer of Lord John Russell, a Minister of the Crown, to such a communication? Or how did such a newspaper come into possession of documents of so confidential and exclusive a nature, that the Government, up to the present moment, have felt themselves compelled by a sense of public duty to withhold the knowledge of them from either House of Parliament? It is not, however, to the minor question of whether this is or is not an authorised publication that has appeared in the *Times* newspaper that I am anxious to call the attention of your Lordships, but to a much more important matter. I will assume that the *Times* is well informed with respect to the nature of the communications and the character of the proposition submitted by the Emperor of Russia, and I will assume also that the reply made to it by Lord John Russell—an assumption which I have the more pleasure and the less hesitation in admitting, because I have confidence in the honourable conduct of the noble Lord, and because I am confident that no other answer could have been given by him to such a communication on the part of the Emperor of Russia. But this is what I require an explanation of. These communications took place, I believe, in the month of February—certainly during the short period in which Lord John Russell held the seals of the Foreign Office. Afterwards a full discussion takes place upon the question of the dispute between Russia and Turkey; the papers on the subject are officially laid upon the table of the House by the Government. I think the noble Earl will do myself and other noble Lords the justice of saying that we have not obstructed any of the measures of the Government by any factious opposition, and that both this and the other House have done nothing calculated to embarrass them. We afforded them every assistance for the prosecution of this war, which we believed might have been avoided, but was then inevitable. I thought the Government open to censure, but I did not do more than give a temperate expression to my opinion on the subject when called upon to discuss the papers laid before Parliament; but I and other noble Lords were sure that Her Majesty's Government were open to charges of having shut their eyes to a state of facts from which they should have anticipated danger. We pointed out the gathering forces of Russia, the threatening language of Menchikoff, the warnings of Colonel Rose and of Lord Stratford de Redcliffe. After all these opportunities of knowledge, freedom of discussion, and warnings no less frequent than timely—what was the answer of Government? Her Majesty's Government, in the most solemn manner, by the noble Earl the Secretary of State for Foreign Affairs, said, "True, we had these facts before us, but if you had known the strength, the solemnity, the apparent sincerity, and the frequent repetition of the assurances given by the Government of Russia with respect to Turkey, you would have been convinced, with us, that Russia had no ambitious views whatever—that the question was merely one of the Holy Places. We have been deceived, we admit, but you would have been equally deceived, for no Government could have given stronger or more repeated assurances of a peaceful policy." Now, it was in the month of April last year when the discussions took place in this House on the subject, and the noble Earl with so much gravity and solemnity made these assertions. But what becomes of all these asseverations, if at the same time the Government were in possession of communications of a secret and confidential nature, disclosing the whole of the Emperor of Russia's views, "unbosoming himself," as we are told, with the utmost absence of reserve, and communicating to the British Government his ultimate designs for the partition of the Turkish empire, which the noble Earl the Secretary for Foreign Affairs was compelled to answer in terms of indignant refusal? I say, I can understand the unity which pervades the papers presented to Parliament—I can understand the reasons for not producing these private and confidential letters for the perusal of Parliament; but when we know of this additional correspondence in the hands of the Government, I cannot understand the assertion of the noble Earl, that up to the month of April, whatever might have been the menacing appearance and suspicious circumstances, Her Majesty's Government had the most entire confidence in the repeated and absolute assurances given to them by the Emperor of Russia—that her policy was not intended to assume an aggressive character. How is that consistent with the fact of the existence of correspondence and confidential communications to which the Foreign Secretary gave a most indignant refusal? These communications were, it appears, placed in the hands of the British Government for the purpose of securing—and, it was believed, did secure—a most entire identity of feeling and opinion between this country and the Emperor of Russia, to the nature of which reference is made in the article in the journal to which I have alluded. There is one other circumstance to which the *Times* newspaper refers, and, apparently, with some knowledge of the facts. The statement in the *Times* does not merely refer to the present year; it goes on to state that at the period of the Emperor's visit to this country—at the time when the noble Earl now the First Lord of the Treasury filled the office of Secretary of State for Foreign Affairs—communications of a similar character took place. Now if that were the case, and if these designs of Russia upon Turkey were made known to the noble Earl who had since succeeded to the post of First Lord of the Treasury, and immediately upon whose accession to office these aggressive projects were put into execution, I want to know what confidence a Government of which the noble Earl was at the head could have had in the representations of Russia with respect to a total absence of all ambitious designs on her part? The questions which I wish to put to the noble Earl are very simple. They are—whether Her Majesty's Government believe the document inserted in the St. Petersburg paper to be an authentic one? Whether such correspondence and communications as are there referred to as being of a confidential character did take place between Her Majesty's Government and the Government of Russia? And, if such correspondence did take place, being now challenged to produce it, and their confidential character having been taken away from them, I ask whether the noble Earl will, in justice to the people of this country, produce the whole of that correspondence, which I do not blame him for not having produced before? I will also ask whether there is any truth in the statement made by a particular paper in this country, to the effect that there were communications of a similar character made in 1844, at the time the Emperor of Russia was in this country? and, if so, whether these communications ever assumed the form of writing? and, if they did, whether the noble Earl is prepared to place these papers also on the table of the House?

The Earl of ABERDEEN: My Lords, the statement to which the noble Earl has referred is undoubtedly one of considerable interest and importance; and finding it in the paper, I presume we must consider it as possessing a sort of official character. More than this I know nothing; and the noble Earl is quite as well able as I am to form a conclusion as to the character of that statement. I have seen the statement nowhere else but where it is; and, as I said before, I know no more about it. The communications to which the noble Earl has referred, which took place between His Majesty the Emperor of Russia and some of Her Majesty's Ministers, were, as the noble Earl has stated —and that course he has not disapproved —retained by Her Majesty's Government, and not printed with the papers laid on the table, in consequence of the confidential character which was considered to be attached to them. It has not been usual, under circumstances similar to those under which these communications were made—whatever may be the case with communications with foreign Ministers—to lay upon the table of the House a statement of familiar conversations, such as those described, between a Sovereign and a foreign Minister; and for this reason Her Majesty's Government did not think it proper or consistent with that respect and delicacy which they were bound to observe towards a Sovereign with whom we were still in alliance, to produce papers which had a private and confidential character. This statement in the *St. Petersburg Journal*, which, I conclude, must be considered as in some degree official, in which reference is made to these communications, and by which it appears that there is no reluctance on the part of the Russian Government that Her Majesty's Government should produce and make public all communications which had passed on the subject, relieves Her Majesty's Ministers from much difficulty in treating with the matter, and removes any reasonable scruple they might have entertained relative to the production of the papers to which the noble Earl refers. And not only that: I know no other course; and I am not at all surprised at the course taken by the noble Earl; and I can assure the noble Earl that if he had not made the observations which he has, and no reference had been made to this subject, I should have thought it the duty of Her Majesty's Government to have laid these papers on the table, and stated these communications to your Lordships—the object to retain them and to consider them as private having now ceased. Independent, therefore, of the question of the noble Earl, the whole of this correspondence will be laid upon the table; and I think, upon a perusal of them, the noble Earl will find that there has been little occasion for those observations which he has hypothetically applied to Her Majesty's Government tonight. It will be found, my Lords, I feel assured, that Her Majesty's Government have no reason to regret that they are now in the condition to lay the correspondence on the table; and I think the noble Earl will find himself egregiously mistaken in his endeavour to cast blame or imputation of any kind on Her Majesty's Government for the part they have taken in this transaction. Upon that part of the subject I have nothing further to say; the papers will speak for themselves, and your Lordships will be able to form your own judgment from them. The noble Earl has, however, referred to the commentaries made upon the article copied from the *St. Petersburg Journal*, in a public journal—the *Times* newspaper. The noble Earl may, perhaps, be surprised—considering, as he does, that a very close connection subsists between that paper and some Members of Her Majesty's Government—or rather what he seems better pleased to call my connection with that journal—to learn that until this morning I never read the article or the comments to which he has referred; and neither directly nor indirectly—and here I feel some advantage in a man's having a character for truth and honour—I have neither directly, nor indirectly the most remote conception of the origin of the article in question, or of the comments which have been made upon it; not the slightest. I can say nothing more about it, except again to repeat that I am entirely ignorant of the source whence the comments alluded to arose; nor can I form an opinion or conjecture on the matter, except this—that I have been given to understand that a clerk in the Foreign Office, but who is not a clerk there now, and who was introduced, by-the-by, by the noble Earl opposite (the Earl of Malmesbury), has scandalously betrayed his duties by revealing the contents of some official documents in the office with which he was connected. That is the way I am informed; but I do not know whether it is through that source or not that this correspondence has been made public, and on which the comments are based to which the noble Earl has attached so much importance. All I can say is, that I have not, directly or indirectly, the slightest knowledge personally of the matter. The first question, then, which the noble Earl has asked, I have already not only answered, but stated that it was the intention of the Government, without having been asked, to do what he has requested. With respect to the other matter to which the noble Earl referred, it is perfectly true that when His Imperial Majesty was in this country, several communications—verbal communications—took place between him and the late Duke of Wellington and myself. I am not sure whether any took place with the late Sir Robert Peel, or not; but with respect to the Duke of Wellington and myself, there is no doubt that communications did take place as to the state of affairs in the East, and the views and prospects which might be entertained on the subject. It was, I think, shortly after His Imperial Majesty's visit to this country—indeed I am not sure that it was not about the same time—that Count Nesselrode came here, and embodied those views of the Emperor, and the conversations that had taken place, in a memorandum, which was afterwards reduced to writing. I have not seen that document for the last ten years—from the time when it was written, and probably the noble Earl knows more about it than I do. Not having seen it for so long a period, I am not prepared to say at this moment whether it may be fit or not to lay it on the table; but I shall ascertain. I do not wish to speak about a document I have not seen for so long a period; I may say, however, that I think it is not likely to have much bearing on present circumstances, or that it refers to the dispute about the Holy Places, to the mission of Prince Menchikoff, to the Vienna note, or, indeed, to anything involved in the recent discussions; and therefore I do not think it is at all likely to be of any service at this moment, even if there should be no objection to produce it; but on that point I reserve myself till I have had an opportunity of seeing and considering the document.

THE EARL OF ELLENBOROUGH: My noble Friend states, that during the year 1844, communications took place between the Emperor of Russia and the Duke of Wellington, but that he is not sure whether any such communications took place with Sir Robert Peel. Now, I am able to state that there were communications with Sir R. Peel; for my right hon. Friend communicated to me one point in reference to Turkey on which the Emperor had expressed a very clear opinion. I understood my noble Friend (the Earl of Aberdeen) to say that he knows no more of the document which has been read as coming from St. Petersburg than the noble Earl who asked the question. If that be the case, I would suggest whether he is not premature in promising to lay these papers on the table of the House? I think this would better be delayed till he has seen a copy of the *St. Petersburg Gazette* containing the document; for, as yet, there is no official or certain information that it is genuine.

THE EARL OF ABERDEEN was understood to say he had no doubt of the authenticity of the document.

THE EARL OF ELLENBOROUGH had understood his noble Friend to say that he knew nothing about it till he saw it in the *Times* newspaper; but that was not a sufficient authority.

THE MARQUESS OF CLANRICARDE: I hope that all the conversations which have been carried on with the Emperor of Russia by Sir Hamilton Seymour on this subject will be laid on your Lordships' table, as well as those communications to which no particular reference has been made; because, undoubtedly, His Imperial Majesty has no right whatever to select one particular part of those conversations, and make them matters of communication intended for this House and the Government, and to debar Her Majesty's Government from having the full advantage that an entire communication would give them. I say this, because it has been current at St. Petersburg, and rumours have been common in the diplomatic and other well-informed circles throughout Europe, that in that conversation a most important communication—important in itself, and important also as regards the conduct of the Government and of Parliament, if it should turn out correct—took place, in which the Emperor of Russia expressed his determination to lose his last soldier and spend the last rouble in his treasury sooner than give up his claims on Turkey. I think the memorandum made by Count Nesselrode, and given to the Foreign Minister of this country in 1844, as stating the views of the Emperor and his Government on the then condition of Turkey, it is of vast importance for us to have. Your Lordships have a full right to know what was the view then entertained by the Emperor, because it is evident that it must bear most strongly on the present circumstances which have rendered war so imminent. I trust that we shall have all the conversations with the noble Earl, who was then Secretary of State for Foreign Affairs, in some shape or other, also before us. It appears impossible we should not; for I think it necessary, for the credit of our Government, that we should be able to show exactly what were the communications made to Her Majesty's Ministers, what was the answer, and what was the language held in 1844, as well as what was the language held by Russia, so as to give a really conclusive answer to the manifesto now published. It is essential that we should know what language has been held; for though this is the first time we have had it put forward in this way, it has been rumoured throughout the whole Continent that language very different from that we have recently taken was held formerly by Ministers of this country, and, among others, by the noble Earl who was then Secretary for Foreign Affairs. It is well, if documentary proof exists, that it should be made available, for the purpose of showing that the Government stands acquitted of inconsistency, as well as of duplicity, in these most momentous and unfortunate transactions.

THE EARL OF MALMESBURY: My Lords, even if I had never held the seals of the Foreign Office, I should on all occasions of this kind have endeavoured so to express myself as to avoid the possibility of embarrassing those who are charged with the administration of our foreign affairs. With reference to the present question, I certainly should not have pressed Her Majesty's Government to produce this correspondence, and I think that, under the circumstances, they were warranted in abstaining from laying it before the House. I will say more than that. I think the great advantages we enjoy from living under a constitutional Government, are somewhat abated at a period like this by the inconvenience which belongs to our position with reference to public affairs, as compared with a Government entirely despotic. I know that a Government which is entirely despotic—a Government resting on the will of one man—can carry on warlike operations with much more secrecy and much more rapidity, and, therefore, with more advantage, than one which has to consult the wishes of two Houses of Parliament. Feeling this most strongly, I have abstained as much as my duty permits me to do from any remarks relative to the great questions and subjects now agitating the country that could possibly be considered factious on my part, or on the part of my noble Friends with whom I have the honour to act. My Lords, I expected, therefore, on the other side—and I must say I have always been met in these discussions in the same spirit by the noble Earl now at the Foreign Office—I expected that I should have been met with any other feelings rather than those of hostility, and, let me say, with an expression of rudeness from the other side of the House. The noble Earl (the Earl of Aberdeen), while defending himself from the charge that, whether from indiscretion or from any other cause, he was connected with, or under the suspicion of being connected with the *Times* newspaper, and that, either directly or indirectly, he had anything to do with putting them in possession of confidential communications, said that these confidential communications had not been given purposely by any Member of the Government, or knowingly by them, but that they had been revealed to the *Times*—["No, no!"] I understood the noble Earl to say that the *Times* had obtained this information from—[The Earl of ABERDEEN: No, no.] Then what did the noble Earl say? Will the noble Earl inform the House what his statement was? The noble Earl said that the only way in which he could account for the knowledge which the *Times* possessed of transactions which could be known only to the most secret officers of Her Majesty's Government was, that there had been at the Foreign Office a clerk who, either from indiscretion, or still worse motives, had betrayed those State secrets; that that clerk was now no longer a public servant; that he had been dismissed in consequence—["No, no; no longer a clerk."] Well—that he was no longer a clerk; and then, in a tone and manner which nobody in the House could misunderstand, the noble Earl added that the Gentleman had been appointed by me. From the spirit and manner in which he uttered it, the noble Earl seemed to be sure that such was the case. [The Earl of ABERDEEN: I said I had heard so.] The noble Earl had no business to make such a statement unless he were sure of its accuracy. Nothing could be less consonant with the manners that prevail in this House, or with the usage of this House, nor does it agree with the customs which we, as gentlemen, not merely as Peers, observe towards each other, that the noble Earl should in this way have spoken of me as having appointed a man who has betrayed his trust. I wish to know from the noble Earl who that gentleman is. And this leads me to a much more serious consideration. Great and important State secrets have been betrayed, as the noble Earl says, by a public servant. A public newspaper is made conversant with these secrets through the treachery of a servant, though the noble Earl does not seem to be sure of it. He will not say that that is the case. But, my Lords, matters have come to this pass, that it is necessary we should know who it is that betrays the public secrets—how it is that Cabinet secrets have oozed out and been filtered through the public offices, and that papers which have been refused to Parliament have found their way into the newspapers, while the Prime Minister of the country does not know how or by whom the Government has been betrayed. My Lords, I think first of all I have a right to ask what is the name of the public servant who has betrayed his trust, and whom I am said to have appointed; and, in the next place, I will take into my serious consideration whether it is not my duty as a Peer and Member of Parliament to move that some searching inquiry shall be made by Parliament, and with all the powers that Parliament is armed with, to ascertain who it is that betrays public secrets to the newspapers, who this person is that has not yet been discovered, and who cannot be named by the noble Earl.

THE EARL OF ABERDEEN: The noble Earl will excuse me from answering his question, for I do not know. He was a clerk in the Foreign Office, but is no longer a clerk; but I did not say he was dismissed. I said I had heard a rumour that it was through his instrumentality that this information had become known; but I did not say he was dismissed, nor do I know his name.

THE EARL OF DERBY: We have it on the statement of the noble Lord, that it is supposed the secrets of the Cabinet have been betrayed by a person in a public situation. It is said that these secrets have been scandalously betrayed by a person appointed by the noble Earl beside me. Now, that person ought clearly to have been dismissed, and if he is not dismissed for this violation of duty, the heads of that office have failed in their duty to the country. Unless, however, the noble Earl was perfectly convinced of the fact—unless he knew that the person so appointed, as he says, by my noble Friend had been guilty of that base treachery to the country—he was not warranted in making the statement he has done; and, if the noble Earl did know, nothing should have prevented a man filling his high station of First Lord of the Treasury, in his place in Parliament, and from the Treasury bench, from stigmatising the person who had been so guilty in the face of Parliament and the country.

EARL GREY looked upon this as a case of very great importance. It was the first time in Parliament that he had ever heard of such a case. He confessed, however, he had seen for some time past, with surprise and very great regret, the sort of official communications that had found place in the newspapers—because this was not the only case. Their Lordships would remember that about a fortnight ago the noble Earl on the upper bench asked a question as to what steps were to be taken with reference to the Russian fleet coming out of the Baltic, and how those ships could be stopped in the absence of a declaration of war. The noble Earl at the head of the Government thought it consistent with his duty to avoid giving any explanation in answer; but the next morning there appeared in the *Times* newspaper a complete explanation, because they were then informed by the *Times* that this difficulty of a declaration of war did not exist—that a summons had been addressed to Russia to withdraw her troops from the Principalities, and that if that summons was not attended to, it would be equivalent to a declaration of war. Now, that was a fact of great importance to know, and one which could only have been known to Members of Her Majesty's Government. Now, seeing these official communications in a particular newspaper, and information of such a peculiarly important character, it was hardly satisfactory that they should be told by the noble Earl that he had no knowledge, either directly or indirectly, as to how these communications were made. He did not for one moment doubt the statement of the noble Earl, because the noble Earl had most justly stated that he felt the advantage of having the character of a man of honour; but he thought it important for the honour and dignity of this country that such unauthorised communications should not come out, and that such a scandalous breach of faith as they had now heard of should not be passed over, without some more serious notice being taken of it than appeared to be the case. He did not think that an imputation so grave should have been thrown out on any individual whatever who was said to be in the Foreign Office, but which not being fixed on any one individual would hang over the head of every one in that department, and that, too, without the imputation being distinctly made, or the grounds of that imputation being given.

THE EARL OF ELLENBOROUGH said, it had been distinctly stated, in answer to a question, that the answer of the Emperor of Russia to the summons given him was not expected to reach this country till the 25th of March. Our fleet sailed on the 11th of March, and if we wait, as we are bound in honour to do, till we have received that answer on the 25th of March, our fleet must have sailed without specific orders. In the meantime the Russian frigates and corvettes might sail out of the Baltic for the purpose of preying on our trade, and might pass through Admiral Napier's squadron untouched. He was not, therefore, surprised that the noble Earl found it inexpedient to answer his question, inasmuch as he could not say at the time whether those ships would be ordered to be stopped or not, as it depended upon the reply to be received from St. Petersburg, which would not reach this country till the 25th of the present month.

EARL FITZWILLIAM said, he was afraid that the hypothetical explanation which had been given could hardly be considered to explain the disclosure which had taken place. There had appeared, within the last forty-eight hours, disclosures of certain things in the newspapers, and, unless this person against whom suspicion had been raised had left the office within forty-eight hours, a sufficient explanation would not be given of the paragraph of Saturday to which he referred. He begged to observe on this subject, that it disclosed to the world how mischievously the country submitted to place itself in the hands of the metropolitan press. It was a very serious affair, as it showed they were too much under the dominion of the press. He was very much afraid that Her Majesty's Ministers—that all Ministers, not only those at present in office, but their noble Friends opposite—felt the necessity for courting the public press too greatly to allow of their being as rigorous as they ought to be in their examination of the means by which the press obtained its information. In conclusion, he begged their Lordships to bear in mind that these secrets could not have been disclosed by the clerk, unless he had been in office forty-eight hours before the paragraph alluded to was published.

THE EARL OF MALMESBURY: I have not received at the hands of the noble Earl (the Earl of Aberdeen) the justice that I expected. After having made such a charge, I expected, if not for my sake as responsible for the appointment of the gentleman, yet for the sake of those other gentlemen on whom, as has been said, the charge will rest, that the noble Earl would have named the gentleman to whom he has alluded. I appointed two or three clerks, and if the noble Earl conceals the name of the party in this instance, on them will the stigma of this charge in the Foreign Office rest. I beg your Lordships to remember one thing. I have been told that the appointment of the gentleman in question was made by me; now, if the custom still prevails that did when I held the seals of the Foreign Office, the person alluded to, whichever of them it may be, must have been quite at the bottom of the list of clerks occupied in copying documents on very important matters. It is therefore impossible, or almost impossible, and it is wrong, that they should have been acquainted with correspondence of such an important and confidential nature as that to which the noble Earl has alluded. Looking at the circumstantial evidence of the case—as the noble Earl refuses or is unable to give me further information on the assertion made by him most unwarrantably—I say, looking at the circumstantial evidence of the case, it is almost impossible that any young man appointed but for two years could have been cognisant of this correspondence, and, consequently, almost impossible that he should have revealed it.

THE CIVIL SERVICE.

LORD MONTEAGLE: In making the Motion of which I have given notice respecting the alterations proposed in the Civil Service of the Empire, I must be allowed to offer a few remarks on the very exciting discussion which has just closed. My Lords, that debate, in two respects, connects itself with the argument I am now about to address to the House. The suspicion expressed by the First Lord of the Treasury, that there may have been a "scandalous betrayal of public trust" on the part of some individual, who at a former period formed part of the establishment of the Foreign Office, might, if established by evidence, appear inconsistent with the honour, ability, and trustworthiness, which I believe to be the characteristics of the Civil Service of England; and some cautious men might, perhaps, think, that it would be more prudent, on my part, to postpone the present Motion, till this question of the Foreign Office shall be finally discussed and disposed of. But I am not of that opinion. The charge made by the First Lord of the Treasury is not stated as a matter of fact, but as one of grave suspicion. It is not proved, or attempted to be proved; nor is the name of the person suspected given to the House. But even were the circumstances wholly different, and the imputed offence proved to have been committed, though I should deeply deplore so lamentable, and so unprecedented an occurrence, I yet feel so perfect a reliance on the high and honourable characters of the thousands of excellent men engaged in the Civil Service of the Crown, that I should still deny that the merits of their case could in justice be affected by one single unfortunate exception. But I repeat it, nothing is before the House at present, beyond the suspicion expressed by the head of the Government. There is a second point of analogy between the case stated by the noble Earl (the Earl of Malmesbury), and that which I propose to discuss. He has strongly animadverted on the practice of placing in the hands of persons connected with the press, public documents intended for the use of Parliament; and doing this long before the documents themselves are in your Lordships' possession, or in that of the House of Commons. To this I object, as not only disrespectful to the Legislature, but also as being inexpedient and unjust, calculated to preoccupy the public mind, and to create a prejudice for or against any question, so as to impede its fair discussion. Of this the present case affords a striking example. The Report on the Civil Service, which renders my Motion necessary, was laid before your Lordships on the 24th of February. But, already, on the 9th of the same month, before it had been made known to any one of your Lordships, the very Report itself must have been placed by its framers, or by some person on their behalf, in the hands of newspaper editors, who described minutely all its main provisions and commented on all its recommendations. That these newspaper paragraphs are traceable to an official source is certain from internal evidence. Words are used in the newspaper paragraph, and facts are referred to, which could only have been derived from the Report itself; and these are coupled with the most insulting expressions to the Civil Service, which is described as characterised by its "incapacity, its indifference, and its idleness; as owing its origin chiefly to private interest, or to political venality, and remarkable for neglected duties, and for a supercilious demeanour." It will be my duty to show to your Lordships, that the imputations contained in the official Report and in the newspaper paragraph are indefensible and unjust. Nor can any indulgence be claimed by either on the ground of haste, want of knowledge, or inadvertence. This inquiry was carried on by official men; it commenced in November, 1848, and the final Report bears date in January, 1854. Thus, more than five years have been given to the inquiry, and no excuse is left for mistake, and still less for misrepresentation. Your Lordships have now before you, a Report which claims the character of being final; and which bears the signatures of Sir Stafford Northcote and Sir Charles Trevelyan. I am happy, however, to perceive that, as yet, the Government are not committed to the adoption of this proposal. It is true, that in Her Majesty's Speech, at the opening of the Session, our attention was directed to the state of the Civil Service; but whilst, in the earlier sections of the Report, we find Orders in Council and Treasury Minutes, adopting certain recommendations of the Commissioners, no Government assent has been given, as yet, to the final Report. It is on that account that I feel it to be the more my urgent duty to call the attention of the House and of the Ministers to the subject. I shall be well repaid if I can avert the dangers consequent on a rash adoption of the plan proposed. Time for deliberation must be taken. No Government could venture to act upon the documents now laid before Parliament. The inquiry is incomplete, or worse than incomplete. Eleven public offices only are noticed in the papers before us; some of these are not the most important to the public service. But of the Foreign Office, the Home Office, the Admiralty, the War Office, the Pay Office, the Office of Woods, the Mint, the Horse Guards, and various other important departments, we know nothing. The Report is silent. I must be permitted to ask the Government whether the inquiries of the Commissioners have, or have not, extended to many of these last-named departments? If no such inquiries have been made, it is premature to call upon Parliament to legislate upon incomplete evidence; but if, as I believe, there have been further inquiries on some of these departments, the result of which is withheld or suppressed, the objection against legislation is still more conclusive. In the first case your Lordships are invited to remodel the whole Civil Service upon incomplete evidence. In the second case, you are called upon to do so on evidence which must be considered to be not only incomplete, but partial and *ex parte.* Unless I am contradicted, upon official authority, I feel warranted in assuming the fact to be, that important departments have been examined, but that the result of such inquiry is not forthcoming. How is this to be justified? I invite a contradiction, if I am in error.

The Report before the House may be considered in two distinct points of view—the first, the statement of evil and abuse alleged by the Commissioners to exist; the second, the remedy proposed, upon the Commissioners' authority. I shall discuss these two questions separately.

I. I should be wanting in all frankness if I did not at the outset deny the accuracy of the statement of supposed abuse which the Commissioners have laid before your Lordships. I must here remark, that their statement is unsustained by any evidence, and rests exclusively upon the assertions of the Commissioners themselves. We are not favoured with the testimony of one single practical witness; no documents are referred to; yet the Commissioners seem to admit the necessity of evidence, for they have appended to their Report, as supporting their views, a letter from the Rev. Mr. Jowitt, Fellow and tutor of Balliol, Oxford. Far be it from me to question the high authority of this most respectable and learned gentleman; but I may be permitted to doubt whether his knowledge of the Civil Service of the empire be such as to give any conclusive weight to his opinions on the present occasion. The Civil Service of the country, we are informed, consists of 16,000 persons. I doubt whether the Tutor of Balliol can know much either of their conduct or of their duties. I admit, however, that the number is grossly exaggerated, unless it is made to include a large class of inferior officers, who can scarcely be considered to form part of what is generally understood as the Civil Service. For gaugers, lockers, weighers, tidewaiters, and messengers, little more can be required, on their appointment, than good character, reading, writing, and a knowledge of the mysteries of the rule of three, and of vulgar and decimal fractions. The Civil Service, with which it is my object to deal, comprises, if not so large a body as 16,000, yet a very considerable number of gentlemen charged with most important public functions. These functions cannot be more fairly stated than by the Commissioners themselves. The words are as follows:—

> "The Government of the country could not be carried on without the aid of an efficient body of permanent officers, occupying a position subordinate to that of the Ministers, yet possessing sufficient independence, character, ability, and experience, to be able to advise, assist, and, to some extent, influence those who are set over them."

I consider this to be a fair description of the Civil Service of England. Your Lordships will attend to the words I have read. The duties described are far from being exclusively mechanical or executive. Our civil servants are called upon not only to obey, but to advise and to influence the Ministers, under whom they serve. Their experience cannot but produce practical consequences upon a political body, which, though superior in authority, is in its nature fluctuating and transitory.

I shall next invite your attention to the description given by the Commissioners of the class of men selected for these responsible duties, and the mode in which it is somewhat rashly affirmed that these duties are performed. To avoid the possibility of mistake or of misstatement, I beg leave to read the very words of the Commissioners:—

> "It would be natural to expect that so important a profession would attract the ablest and most ambitious of the youth, and that those of superior qualifications would rapidly rise to distinction. Such is by no means the case. It is for the unambitious, the indolent, and the incapable, that the Civil Service is chiefly desired. Those whose abilities do not warrant an expectation that they will succeed in open professions, in competition with their contemporaries, and those whom indolence of temperament or physical infirmities unfit for active exertion, are placed in the civil service, where they may obtain an honourable livelihood with little labour and no risk. The comparative lightness of the work, and the certainty of provision in case of retirement, owing to bodily incapacity, furnish strong inducements to parents and friends of sickly youths to obtain employment in the service of the Government. The extent to which the public are consequently burthened would hardly be credited."

It is true that the Commissioners guard themselves against the supposition that this censure is universally applied, but their mode of drawing an exception only aggravates the bitterness of their unfavourable judgment. They proceed as follows:—

> "It is not our intention to suggest that all public servants entered with such views, but, as regards a large portion of them, these motives, more or less, influenced those who acted for them in the choice of a profession, and there are probably very few who have chosen this line of life with a view of raising themselves to public eminence. The result is, the public service suffers in internal efficiency and public estimation. It is thus we hear of official delays, official evasions of difficulty, and official indisposition to improvement."

I now ask whether a more severe imputation could possibly have been made, not only against the class of civil servants, but against the whole social condition of this country. I call upon those noble Lords who now hold, or have held at any previous time, high and responsible office, to say whether the words I have read convey a faithful and just description of the civil service, or whether, on the contrary, they do not involve in one sweeping accusation all successive Governments, the heads of the highest departments, who are supposed to abuse their patronage, the civil servants themselves, who are represented as incapable of discharging their duties, and even the parents of those civil servants, who speculate on their infirmities. Is it true that these gentlemen are principally the unambitious, the indolent, and the incapable? Are they chiefly men whose abilities do not warrant an expectation of success in competition with their contemporaries? Are they placed in the civil service from their indolence of temperament or their physical debility? Is the livelihood they earn one of comparative lightness of work? and is their governing motive the probability of an early retired allowance? I deny each of these allegations. It is now more than a quarter of a century since I first entered official life. I have passed through many of the important offices of the State, and, as a witness, I most solemnly assure your Lordships that I have seen nothing among the gentlemen filling the executive offices in the public service which in any respect justifies these sweeping denunciations. Let us consider this imputation, which, if true, would imply the lowest and most sordid conduct. Is it to be credited that it is young men in infirm health who accept office for the sake of obtaining an early allowance, and who thus contemptibly endeavour to make a profit of their incapacities and infirmities? Not only is this assertion utterly unfounded, but it could not, by possibility, be true. The completion of ten years' service is the preliminary condition, without which no retired allowance can be granted, and which is then granted only after a ten years' contribution to the superannuation fund. During my official life I have known very many public servants, but have not yet found one coming under the description of the Commissioners. But I have met with cases of a very opposite kind, and I have seen men of this stigmatised class perishing by inches from their energetic devotion to the public service. I have witnessed, for example, the case of a gentleman, now no more (the hon. Colonel James Stuart), a near relative of a Member of your Lordships' House (the Earl of Galloway). After a distinguished military career in the Peninsula, Colonel Stuart was selected by the Duke of Wellington to fill, in succession, civil offices of high responsibility and great labour. He served in the Stamp Office, in the Customs, and, finally, as Assistant Secretary of the Treasury. It was in the latter department that I had the fullest opportunity of witnessing his able and most conscientious exertions. Enfeebled in health, his strength decaying daily, he never neglected a duty, or performed a duty with carelessness. He sunk under the weight of his official labours, and he fell as truly in the service of his country as if he had perished on the field of Waterloo. Again let me take the case of my valued friend Sir Alexander Spearman. His brilliant abilities and unexampled energy were devoted to the laborious duties in which he succeeded Colonel Stuart. Promoted by a Government with whom he had no political connection, selected for his personal merits only, his constitution gave way. His life was despaired of; he was only saved by the combination of great professional skill and his own courage and patience. He obtained his retired allowance and a well-merited honorary distinction; his case was brought specially under the notice of the House of Commons, and his services were universally acknowledged. But was this all? By no means. Sir Alexander Spearman had well earned his retirement; but did he, on restoration to health, seek inactively to enjoy the income so honourably earned? On the contrary, he felt what was due to his country. When restored to health, he returned to that country's service, and is once more, I rejoice to think, a useful and energetic public servant, and this too (be it observed) without any augmentation of his former emoluments. Your Lordships will permit me to give you another honourable instance of the same public spirit. The late Mr. Richmond had risen from the executive departments of the Customs to the office of Commissioner. He had accomplished the period which entitled him to a retirement on full pay; his services, as well as his age, would have warranted him in claiming an honourable retreat. So far, however, from doing so, he continued strenuously to fulfil his laborious and responsible duties, and he may thus be considered to have given to England many years of gratuitous service. I might continue these examples—the same in kind—if not of the same surpassing excellence, but I feel that I have said enough to prove that indolence, incapacity, and self-interest are not the characteristics of the civil servants of the Crown.

Bearing these examples in mind, I must again appeal to those who are, as well as those who have been, in office, to reply to the general impeachment of a class of persons whose merits they must have learned by experience how to appreciate. The position of the civil servants is in many points peculiar. In the more ostensible departments of the State, in Parliamentary life, in the Army, Navy, or at the bar, the voice of public fame, and an universal recognition of services, attend and reward superior endowments. It is otherwise in the more secluded walks of the Civil Service. The members of that body may toil, they may succeed; but, poorly requited, their worth is frequently unknown, their services are too often unacknowledged. A French writer has said, "It is the brazen wheel which turns the golden hand." I object to this epigrammatic description, so far as the apportionment of the metals—an apportionment which I have sometimes seen reversed; but, however that may be, the world is apt to forget the efficient machinery, in looking only at the dial plate. The injustice of the system goes further than mere forgetfulness. The world is not only, in such cases, frequently insensible, but it is too often unjust likewise. In years which are passed away, I myself have heard despatches quoted with admiration, described as unrivalled State papers, the whole merit of which was ascribed to the Minister whose name they bore, whilst at the same time the civil servant, whose hand had traced every sentence, was left without public honour and estimation, and yet, at the same moment, was, by a capricious public, held responsible and attacked as the author of every unpopular scheme of policy which proceeded from his department. I allude more especially to the case of that eminent man, Sir James Stephen. His example affords in itself an abundant refutation of the statement of the Commissioners that lightness of work is one of the attractions of the Civil Service, and want of capacity its qualification. To those who, like myself, have had the opportunity of witnessing the unflinching labour, as well as the high abilities, of the distinguished man I have just named, the supposition of lightness of labour in public life is as ludicrous as the supposed incapacity of public officers.

Though the cases which I have stated cannot in fairness be taken as exponents of the 16,000 officers referred to in the Report, they serve as examples to show the spirit which exists in our Civil Service, and the men it has produced; I consider that service an honour to the country to which it belongs, and deserving of the favour and confidence of the Crown under which it acts. I respectfully warn your Lordships that you cannot permit the Civil Service to be disorganised without risking the disorganisation of the country itself. I state this unreservedly, and challenge all contradiction. I consider the Report to be a violent attack on meritorious persons, who are held up as undeserving of public confidence and respect. So erroneous and inaccurate a statement cannot surely form a sufficient basis to justify a change of system; still less can it justify the Government in adopting the extraordinary changes recommended by the Commissioners. Their recommendation is founded upon a mistrust of all the statesmen who are at present, or who have been, in the service of the Crown. If this were just, surely the reform ought not to be confined to the clerks, but should extend to the higher, from the more subordinate, officers of the State. If the heads of departments were so unworthy of trust as to be careless in discriminating between the meritorious and the unworthy, between the efficient and the incapable, Parliament would certainly be bound to enforce a reform; but the House would do well to consider whether, even on that supposition, the change suggested would be effectual.

What was that change? It was no less than the institution of a Central Board of Examiners, of whom your Lordships are told nothing, excepting that its President is to be of Privy Councillor's rank. My first objection is, that this Minos, Æacus, and Rhadamanthus tribunal, would practically become irresponsible; in accepting or in rejecting, they must necessarily exercise an unrestrained discretion, for which it would be nearly impossible to call them to account. Now, I contend further, that this mere examination, even though accompanied by written certificates of character, age, and health, however it might afford some means of ascertaining the amount of a candidate's acquirements at a given time, would not constitute any real test of that candidate's capacity for the public service, of his industry, obedience to discipline, discretion, or moral character. Yet these are the qualifications indispensably required in our public departments. If I am told that this objection is inconsistent with the legislation of last year, respecting admissions to the East Indian service, and is inconsistent with the principle which I then avowed, my answer is immediate, and, as it seems to me, conclusive. The examination of candidates for Haileybury was only proposed as a matriculation for entrance into a college. Before the candidate for a writership could obtain a civil appointment, a severe course of study, continued for two or three years, was required as his necessary qualification. This distinguishes the two cases. In an examination like that now proposed I have no doubt that students, "ingeniously examined," might frequently succeed, in preference to competitors infinitely their superiors. It might be very possible that the Duke of Wellington and Lord Melbourne should have found candidates, who, on mere examination, were apparently as well qualified for the office of Assistant Secretary of the Treasury, as my friend Sir Alexander Spearman, or the lamented Colonel Stuart; but I much doubt whether equally efficient public servants could have been obtained otherwise than by personal knowledge and moral discrimination. I should feel it rash to trust to the result of a formal examination in filling up any office which might be within my gift. Even if it could be said, that the heads of departments were not to be morally trusted in the selection of their own clerks, it should be remembered that they must ever be the persons primarily interested in securing the best instruments for performing their own duties. In this particular case their interest is identified with that of the public. In a conversation I lately had with Mr. Panizzi of the British Museum, that gentleman, who possesses great experience and is a high authority on such a subject, assured me that, if in the choice of his assistants, vacancies were filled up according to the results of a mere examination, though he might obtain men who had answered the greatest number of difficult questions, and had perhaps displayed the deepest erudition, yet they would not be found the most competent for the duties of the library. I am far from meaning to deny that, under certain conditions, examinations may be useful. It is against the proposed system that I protest. It is proposed to apply this test not only to first appointments, but to promotions on vacancies. This renders the proposal still more objectionable; for how could a clerk's claim for promotion be decided on except by those who had experience of his conduct whilst in office. The step proposed is one of the most important which your Lordships have ever been called upon to sanction. It is in fact a transfer of the whole patronage of the Crown to three irresponsible gentlemen, who can practically know but little of the peculiar business and duties of many of the public departments. I should be ashamed of myself indeed, were I to undervalue an enlarged course of study; but I confess I am somewhat alarmed when I find classical literature, mathematics, and their practical application to natural science, political economy, law, moral philosophy, modern languages, modern history, and international law included in these examinations. Some whimsical results might possibly ensue. I shall illustrate this by a reference to one subject only. It may, perhaps, be suspected that the examinations on political economy might bear a certain analogy to the opinions of successive Governments. Supposing young clerks to be admitted into the Board of Trade under the auspices of Protectionist Ministers, if any such, indeed, are now to be found, what able papers would be produced before the examiners in defence of sliding scales, discriminating duties, and the old colonial system. On the contrary, if free trade is to remain in the ascendant, would not the examination papers inevitably furnish an equally able defence of the doctrines of freedom of exchange and of the most unfettered commercial intercourse between nations ? Would it be possible under such a system to preserve anything like a steady continuity in the public service.

Can the Government furnish any precedent for the system which their Commissioners recommended ? I believe that the only country in Europe which has adopted a similar plan is Prussia. I should like to know from Her Majesty's Government whether they can produce any report from the British Minister at Berlin, or from our consular agents at Memel, to prove that the system has been successful. What if we should be told, on the contrary, that it had led to an intolerable bureaucracy, inconsistent with the public interests and counteracting the ends for which it was instituted ?

But I must in candour admit that there is another precedent, and that a precedent coming from a great, if not a flourishing empire. The wise men came from the East, and it may be thought by the Commissioners that wisdom comes from the same point of the compass. The only precedent which exactly applies is that of the empire of China. On this authority the Commissioners may rely, and I will not deprive them of its authority. I do not, however, feel very certain that the present internal condition of the flowery empire is such as to justify us in placing an unlimited reliance on the triumphs of its internal administration. I doubt whether the ministerial mandarins have shown themselves to be very pure or very efficient, although they earn their red and blue buttons and their peacock's feather by an unlimited competition. I doubt whether their system of government has encreased the wealth, secured the prosperity of the empire, or advanced the intellectual progress and happiness of its people. In default of official evidence on this subject, I beg to call your Lordships' attention to one of the latest, and, I believe, one of the most authentic descriptions given of the system of examinations for official appointments as now practised in the celestial empire, being the only part of the world in which the recommendations of Sir C. Trevelyan and Sir Stafford Northcote have been consistently adopted. The author whom I am about to quote is Mr. Medhurst, a gentleman employed for some years under the London Missionary Society. This author states that—

> "One half of the male population are able to read, and this prevalence of learning is ascribable to the general examinations, none being admitted to office but those who have passed the ordeal; the degrees granted are four:—1st, those of cultivated talent; 2nd, elevated persons; 3rd, advanced scholars; 4th, the forest of pencils, or National Institute. The first of these is conferred in a country town; the second, in the provincial cities; the third, in the capital; and the fourth, in the Emperor's palace."

Such is the literary hierarchy of China; and Mr. Medhurst proceeds to describe its effects :—

> "In each of the 1,518 districts 1,000 persons try their skill; two per cent of the male adults take part in these examinations, in the course of which essays, odes, &c., are called for, and the successful obtain what is called a name in the village. They are then examined before the Chancellor for their first degree, being searched on entering the town-hall, to prevent the carrying in of books or papers. Themes are again given out in prose or poetry, the Chancellor selecting the best. On obtaining the first degree, the graduate is exempted from corporal punishment, and can only be in future chastised by the Chancellor himself."

I know not whether the Commissioners propose to reserve analogous functions for my noble Friend on the woolsack. The exemption from vulgar punishment, and the prudence which substitutes the Chinese Court of Chancery as the greatest of all inflictions, is applied to the first degree of students, for the successful graduates are not as yet admitted to official honours. For the second degree there are examinations held every three years, at which there are generally 10,000 candidates for the rank of "elevated men;" such is the anxiety felt in mounting what is called another step of the "cloudy ladder." This title would appear to be well given to the Chinese system of examination :—

> "The 'literary arena' is now provided with several thousand small cells, into which the competitors are introduced guarded by soldiers, to prevent collusion or communication."

In many respects, it will be seen that this plan resembles that of Sir C. Trevelyan in its itinerant examiners, and in its rural and provincial examinations; for the British Privy Councillor and his colleagues are intended to have a staff of sub-examiners visiting the country, as well as the town. The tests of merit are likewise still of a literary character. Mr. Medhurst continues :—

> "Themes in prose, and poetical effusions are again required; and twelve elevated men are chosen out of 10,000 competitors. Splendid apparel is provided for them; to-day they are dwelling in an humble cottage, to-morrow in palaces, riding in sedans, or on horseback."

Sir C. Trevelyan's rewards are more practical—the successful candidates are placed in Whitehall or Downing Street:—

> "For the third degree, 10,000 candidates enter the lists; on attaining which they become eligible to office, and are generally appointed."

Is it very possible to realise the introduction of such a system in England? Can we easily fancy 10,000 persons presenting themselves before Sir C. Trevelyan and his colleague for examination at Birmingham, or at Liverpool? Mr. Medhurst next proceeds to describe the attainment of the fourth degree:—

> "The 300 advanced scholars enter the court of the Forest of Pencils; they compose essays on given themes; they are considered the cream of the country, and are generally appointed to the highest offices. The chief excellence of the essays consists in the number of quotations, and the further they go back for recondite and unusual expressions the better. The candidates are deprived of every scrap of writing, and are expected to carry their library, to use their own phrase, in their stomachs."

I now pray your Lordships' attention to the results of this elaborate Chinese system. Though Mr. Medhurst praises it, he admits that, to a certain extent at least, it is a delusion. I should suspect that it merited the coarse title of an official humbug, which I may be permitted to apply to the Chinese system—not extending it beyond that limit, from the respect which is due to the authority of the British Commissioners. Mr. Medhurst's words are as follows:—

> "The disadvantage of the system is the contracted range of their literature; a pertinacious attachment to the ancients, without fostering genius or invention; Nature, with all her stores, continues unexplored; the results of the inductive philosophy are neglected and unattended to; the human mind is fettered, and no advancement is made in science."

Such are the effects of a system which comes recommended to us as the greatest incentive to an improved education. Further evils are, however, superadded; we have seen that solitary confinement in separate cells, and the interposition of the military and the police, are resorted to, in order to check fraud. All this carefulness, Mr. Medhurst informs us, is insufficient and unsuccessful. "Another disadvantage is," he observes,

> "That, notwithstanding the laws, and vigilance of the magistrates, ways and means are discovered frequently of bribing the police, and of inducing some candidates, more desirous of present advantage than of future fame, to compose essays for their companions."

I have dwelt upon this Chinese precedent, because it is the only one in point; but I apologise to your Lordships for the length to which it has led me.

In conclusion, I must ask, is there any one among your Lordships who has had experience in the public service, who is disposed to acquiesce in the wide-spread stigma cast by this Report on the civil servants of the Crown—those men on whose exertion and knowledge you have relied in times past—those on whom you must be obliged to rely to-morrow? Will the First Lord of the Treasury below me, or will my noble Friend opposite (the Earl of Derby), assert, that this Report gives a just description of our public servants? Or can any Member, either of this or of the other House of Parliament, deny that this Report is a perversion and exaggeration of facts? I appeal more particularly to the noble Earl at the head of the Government, because he has been placed as chief of the Colonial and the Foreign Offices, and now of the Treasury. I appeal to the noble Lords opposite, and more especially to such as have had large experience in public departments, to decide whether the statements in the Report are accurate or the reverse. I call upon them as my witnesses, and feel certain what must be their reply. Do not, then, let this Report go forth uncontradicted; not merely because it is an attack upon the gentlemen of the Civil Service of England, but because it is an attack, also, upon the social state of our country with which that Civil Service is connected, and of which, to a certain extent, it may be considered as the representative. It should be remembered, that these charges have not been brought forward on the sudden, or in the heat of debate; they are the result of an official inquiry of four years, they are made by gentlemen sitting calmly in their armchairs, and being themselves members of the service which they thus publicly denounce. My conviction is, that the statements in this Report are unjust, and that, even if just in some few exceptional cases, these are wholly insufficient to serve as a basis for our legislation. I rely upon the justice and impartiality of the public; I rely upon the regard for the public interests which distinguishes Members both of this and the other House of Parliament, to protect the Civil Service against undeserved imputations. I rely upon the same causes as a security, if called upon to legislate, against any legislating upon evidence taken *ex parte*, partly laid before us and partly withheld. So to legislate would neither be expedient, fair, nor just; it would be still more unfortunate when your Lordships remember that I have already proved to you that this charge, involving, as it does, the character of so many deserving men, has been communicated to the public, in an aggravated form, through the medium of a public journal, on the 9th of February, whilst the Report itself was not presented to your Lordships till the 24th. During this interval, an endeavour has been made to prejudice the public mind; during this interval, the persons aggrieved had no power of making any reply. I do not pretend to speak on their behalf. I have had no communications with them which could authorise me to do so, but I speak on behalf of the public, who have reaped the benefit of their services; I speak on behalf of truth and justice, and my strongest motive is, a conviction of the gratitude due from your Lordships and from England to the class of civil servants whom the Report on the table has so cruelly and so wantonly attacked.

Moved—

"That there be laid before this House, Copy of instructions given to the Commissioners who have reported on the state of the Civil Service, and of the evidence taken before them."

Earl GRANVILLE said that it was easy for him to give an answer to the Motion of the noble Lord who had just resumed his seat, because there was no objection on the part of the Government to lay on the table of the House a copy of the instructions given to the Commissioners, which were very short; but with regard to the second part of the noble Lord's Motion, relating to the evidence given before the Commission, he had to inform their Lordships that none of it had been taken down in shorthand—it was not deemed expedient to do so; and this was the course usually taken in inquiries of this nature. He recollected that on the first Commission of Inquiry into a public office on which he (Earl Granville) sat, he had the valuable assistance of Sir Alexander Spearman, who suggested that it was not desirable to have a shorthand writer in the room while the members of an office were being examined, because public officers would have considerable reluctance to express their opinions fully with respect to their department when every word was taken down before their eyes. With respect to the speech of the noble Lord on the present occasion, it had placed him (Earl Granville) in a singular predicament. Anybody unacquainted with the circumstances, who had entered the House during its delivery, and had heard the noble Lord's opening complaint of want of information with respect to the Government plan—though it must have struck their Lordships that he afterwards gave a tolerably minute account of it—would have been warranted in supposing that he (Earl Granville) had called upon their Lordships to assent to the second, if not to the third, reading of some Bill. Instead of that, all that had been done was to submit to the House, by Her Majesty's commands, and in fulfilment of a promise in Her Majesty's most gracious Speech from the Throne, a certain Report which had been made upon the state of the public offices in general, together with other Reports upon particular offices. At this stage of the proceedings, at that hour of the evening, and with the small attendance of Peers then present, it would certainly be much more agreeable to him (Earl Granville) to leave the noble Lord's speech entirely unanswered; but, looking to the time and pains that the noble Lord had obviously expended in the preparation of his statement, and the eloquence, not unmingled with sarcasm, with which he had enforced his views, he (Earl Granville) thought it would be hardly fair were he not to say something on behalf of those who had certainly in contemplation a plan somewhat of the kind which he had described. On the other hand, it was evident that it would be impossible for him to enter into details. He was debarred from stating where the noble Lord was right and where he was wrong in his anticipations as to the character of the measure, or where Her Majesty's Government agreed and where they disagreed with the Report; nor could he enter into details and comments without anticipating those explanations which could only be properly given when the measure should be laid before Parliament for consideration. The noble Lord had passed an eloquent eulogium upon the Civil Service of the country, and he (Earl Granville) was sure that he did not expect him to answer that by heaping wholesale attack upon them. At the same time, he was far from saying that the Commissioners, who really had gone carefully into all these different offices, had, in a wanton manner, preferred charges against the Civil Service of the country. What he believed was this—that, from the mode in which the appointments were made, both gentlemen and persons of a lower class found their way into the service, and that the latter owed their preferments not to any exertions or merit of their own. With respect, too, to the other class, it might be said, without disrespect to the service, that, of the class of gentlemen, under the present system, the best persons in a family did not seek to go into the public service. He did not intend to say that the service did not eventually turn out excellent officers; but he asked whether, if a father with three or four sons were offered a Government clerkship for one of them, he would put the most able and industrious into the place, or whether he would not put in the one who was least likely to succeed in open competition in the world? One of the great defects of the present system was that there were in every office a certain number of men who did very little, while another portion, who were the "willing horses," took the whole work on themselves. He knew this was the case with Sir S. Northcote himself, who, by the excess of work that he took upon himself in a public office, almost brought himself to the brink of the grave. This state of things was productive of practical injustice; for while the man who contented himself with attending during office hours, and took little of the intellectual labour, was perhaps overpaid, the hard-working and intellectual man was paid too little for the services which he rendered, for which, indeed, he received a remuneration less than he would get if he went into a private merchant's office, certainly into the office of a public company. He could not rate his own personal experience as anything, but still he could not help remarking one fact, which he would illustrate by reference to a particular office. The Board of Trade, where he was for a little time, was, he believed, one of the offices which had most secured the goodwill of the public; and it was the fact that nearly all the gentlemen in that office who had become famous in the country, from Mr. Deacon Hume downwards, had been gentlemen not brought up in the Civil Service. Now, he must say, that there was evidently something quite wrong in this. He quite agreed with what was said by a noble and learned Lord (Lord Brougham) on a former night, that it was the head of an office who should be responsible for the clerks employed under him. But this was not the case now. The noble Lord (Lord Monteagle), having been Chancellor of the Exchequer, ought to be aware of this. The Chancellor of the Exchequer had nothing to do with the selection of the clerks in his office, though he had the sole management of them; and the noble Marquess who sat near him (the Marquess of Clanricarde), who had been Postmaster General, knew that the Postmaster General, though in the same position, had nothing to do with the appointment of a large portion of the clerks under his direction. The establishment of a system of previous examination would not necessarily denude the heads of office from responsibility. It would be the duty of the Government Board to examine into, and sift the qualifications, character, &c., of the candidates for admission; and afterwards the responsibility should rest on the chiefs of offices, of promoting deserving individuals from office to office. He thought it was most essential that responsibility should lie, to the greatest possible degree, on the head of the office. He thought, too, that it would be quite wrong that the chief of an office should not have the power of looking elsewhere than to those admitted by competition when the public necessities required it. By these means the heads of offices would have a larger field from which to make selections for special offices than they possessed at present. The objections urged against the Civil Service generally could hardly be said to apply to the Foreign Office. During the time he held the post of Under Secretary for Foreign Affairs, some years ago, he had an opportunity of becoming acquainted with the singular ability, devotion, and industry of the clerks employed in that department; and he could hardly express, in terms sufficiently strong, his gratitude to those filling the more important posts for the assistance he later derived from them. It must be recollected, however, that the Foreign Office was peculiar in its business and constitution. The mere copying in that office was labour of an intellectual character. Generally speaking, some of the ablest men in the State were appointed Secretaries of State for Foreign Affairs, and much of the efficiency of that department was owing to the exertions of Mr. Canning and Lord Palmerston. He could not help, in connection with that subject, noticing a slight inconsistency between the conduct and the arguments of his noble Friend (Lord Monteagle). When he was at the Foreign Office, he inquired which of the junior clerks had most distinguished himself, and proved his fitness for a higher rank, and a son of his noble Friend was pointed out to him in reply. Now, the course which the noble Lord had taken with respect to his own son was an indirect testimony in favour of the system of previous examination. When the noble Lord was offered a clerkship for his son, instead of putting him in the office directly, he asked permission for him to remain at Cambridge some time longer, in order that he might finish his studies and go through the necessary examinations with the view of better fitting him for the discharge of his duties in the Foreign Office. He thought, however, that this was scarcely consistent with the conduct of his noble Friend, in trying to throw discredit on a scheme for the establishment of a public examination as a test for merit in Government appointments, before it was fairly hatched and given to the public view. He could not help thinking, too, that his noble Friend was now acting a little inconsistently with the vote which he gave last year for throwing open the Indian Civil Service to examination. His noble Friend's authority was, no doubt, very great; but had he (Earl Granville) not been able to find a single authority in his favour amongst the permanent civil servants of the Crown he should not feel disheartened on that account, when he recollected how long the most eminent lawyers, with but few exceptions, had opposed all improvements in legal education. If the whole Civil Service disapproved the proposed change, it would not be conclusive against its expediency. The reverse, however, was the fact. Sir James Stephen, one of the most eminent of the civil servants of the Crown, was an ardent supporter of the Government scheme. Mr. John Wood, the Chairman of the Board of Excise, was another. This gentleman was no light authority; he passed part of his life in a mercantile house; he then became one of the most respected Members of the House of Commons, and was now one of the most able civil servants of the Crown. Not only had Mr. Wood stated his opinion in favour of the Government scheme as a means of securing efficiency, but he said that, looking at the matter in a moral point of view, the advantages of taking away patronage were incalculable. Mr. John Mill, of the India House, who was not only a great philosophical writer, but one of the most able administrators of the day, cordially approved of the introduction of examinations and competition. He (Earl Granville) was alarmed the other day by being told that Mr. Anderson, one of the greatest organisers and improvers of departments, was opposed to it. He sent a message asking what was the fact; and Mr. Anderson's reply was, that until he saw the Government surrender its patronage he would not believe that it would do so, but that if competition and examinations were possible, of which he was not a judge, he thought they would confer the greatest advantage on the Civil Service. On the question of examinations he would not trouble the House at any length. Mr. Jowett, of Balliol College, Oxford, had given very decided evidence as to the possibility of conducting the examinations of a great number of men in a perfectly fair way; and the examiners of the Universities of Oxford, Cambridge, and London, together with the inspectors of national schools, all agreed that there was little difficulty in conducting examinations with perfect fairness and success, although, of course, the manner in which it was to be done was a matter which required to be carefully considered. He could not help feeling, too, that he was now speaking sentiments entirely in accordance with those of a gentleman sitting near him, to whom he could not more particularly allude without being guilty of a breach of order, but a gentleman whom their Lordships must all admire for his admirable pronunciation of Norman French, for his courtesy in that House, and for his valuable public services (Mr. Shaw Lefevre, the clerk assistant). There was no doubt of his perfect competence to form an opinion on this subject, and, though the forms of the House forbade him to testify it by saying "hear" or "no," he (Earl Granville) had no doubt that it was in complete accordance with what he was then stating. Sir Thomas Freemantle, the Chairman of the Board of Customs, had also no doubt that examination, if it could be carried out, would add greatly to the efficiency of the public service. His opinion, however, was not entirely in accordance with that of himself (Earl Granville), for he thought—and the idea was not unnatural in a gentleman who had filled the office of patronage secretary—that, if the Government scheme were carried out, there would be a difficulty in managing the House of Commons. He (Earl Granville) was not indeed sanguine as to get the concurrence of "patronage secretaries;" he even doubted that of his noble Friend near him (Lord Stanley of Alderley), notwithstanding the purifying he had undergone at the Board of Trade. Now, for his part he believed that this apprehension was entirely groundless. What did history teach upon the point? Previous to the Revolution it was deemed impossible to manage the House of Commons without a liberal exercise of the Royal favour. In the time of Sir Robert Walpole not a Secretary of the Treasury could have been found who was not prepared to say that it was impossible for the Government to go on unless a certain number of bags of guineas were distributed among the representatives of the people. Since that period patronage had been employed as the agent of corruption; but some years had now elapsed since Lord Althorp declared in the House of Commons that the time for a system of Government by patronage was gone by; and every eminent statesman had since shown, by his words and deeds, that the true policy for a Government was to appeal to the good sense and intelligence of the large classes of the community, and not to the self-interest of individuals or of small classes. The culminating argument of the noble Lord was, that examinations took place in China, and that, therefore, we were not to take a similar course. He could not see much force in this, though it might, no doubt, be a weak argument in favour of the Government plan, to say this system has gone on for a long course of years in China—it is an institution greatly venerated by the Chinese—it had given a great stimulus to education there, and, as my noble Friend himself acknowledged, the feeling in favour of it is so strong that one of the arguments used by the rebels is that the Government has tampered with this system of examinations. When, too, he was told that there was corruption in China, was he to be told that it was due to this institution, and not to the tone of the morals of that country, where there was, unfortunately, a very different form of religion and state of morals to what prevailed in this country? Another course taken by the noble Lord was, to frighten them by threatening them with the introduction of what was called "a bureaucracy." Now a bureaucracy, in many continental countries, extended to a supervision of almost the whole of the daily life of every individual. To give an instance. He remembered himself wishing to bathe in a river on the Continent; but, before he was permitted to do so, he was obliged to perform certain aquatic exercises in the presence of a functionary in uniform, to obtain whose consent he had to go a considerable distance. That might be all very well in certain continental States; but he did think that to threaten with such a bureaucracy a country where there was a free press, the right of public meetings, and powerful Houses of Parliament, was about one of the wildest chimeras that ever arose in the human mind. He hoped the House would not think that he had gone into a full explanation, either of the course which the Government proposed to adopt, or of their reasons for adopting it. All that he had in view was to prevent its going forth to the world that the Government were not able to make any reply to the observations of the noble Lord, or to say anything in favour of admitting candidates by examination to public offices, leaving them afterwards to be promoted by seniority, subject to the exercise of the discretion of the chief of the office. This scheme had not been brought forward with any selfish feelings on the part of the Government, but entirely with a view to do justice to some of the best members of the Civil Service. It certainly carried with it this advantage, that while it removed not the stigma, but the slight suspicion which at present attached to the Government and to the Parliament, it gave a most powerful stimulus to education in all classes of the community.

LORD BROUGHAM said, that he was not about to follow the example of his noble Friend opposite (Lord Monteagle), by entering at any length into the subject, because he really was not yet aware of what the plan of the Government was, and also because he had some sort of impression in his own mind that they were not likely to hear much more of it. They had heard it defended in a fashion, with great ingenuity and candour, by the noble Earl who had just sat down; but with this exception he had not been fortunate enough to meet with a single individual in either House of Parliament, out of office, who did not hold up his hands at the bare mention of the plan, instead of treating it with respect, as a serious proposition. He should, therefore, in the present stage of the matter, refrain from entering into any discussion upon what might be gathered from the Report as likely to form the basis of the project when it should have assumed shape, and have been brought before either House. He would, however, again refer to an objection he had taken on a previous evening with respect to the question of responsibility. He would assume that the plan embraced no more than this—that there was to be a Board consisting of three Privy Councillors with assistants, or one of a more extensive description composed of learned and skilful persons, who should examine the candidates presenting themselves; that out of these a list of the persons eligible for the Civil Service should be selected, and that they were the only persons from whom the clerks of the different departments were to be chosen. His noble Friend (Earl Granville) said that there was nothing to prevent a man of great merit being appointed, even although he was not amongst the list recommended by the examiners. Still that would be an exception, the rule being the reverse. Then being once begun, he understood that the clerks were to rise by seniority. [Earl GRANVILLE: No, no.] He certainly understood so from the noble Earl's speech. This, however, showed the inconvenience of discussing a plan which had not yet been laid before them—he hoped it never would be. But what he had described was, he understood, to be, speaking generally, the form which this plan would take if it was ever endowed with shape. That this proposal would, in a great degree, vest the patronage of offices in the Board of Examiners was evident. He could not, however, suppose that the responsibility of the heads of the different departments, though it must be lessened thereby, would be wholly taken away. It was not probable that because a Board of Examiners had the power to enable persons to attain the first step on the ladder, therefore their subsequent promotion would not impose responsibility on the chiefs of departments. But look at what the consequences of such a power on the part of the Board would be. Almost every clerk and other functionary in a department would necessarily be holding office with a certificate of his having passed the examination of the Board; he would have the judgment of that Board, a great and authoritative body, in his favour; he would have their judgment testifying to his merits, his competency, and his character; in short, he would have a general judgment in his favour of a Board constituted of men who were scholars and learned in the various branches of literature and of science, and presided over by some great functionary. Now, he should like to know what comfort a chief of a department would have—a Secretary of State, for instance, or the next to him, the Under Secretary—when the clerks who were under them were persons each of whom had had a judgment pronounced by the very important body who constituted this tribunal in his favour? He apprehended that, if responsibility in the chief of an office was of great importance; and if capacity in a subordinate was of great importance, there was another thing of equal importance in all departments, and that was discipline. What discipline could there possibly be in any department when all who were subject to that discipline were furnished with a decision in their favour after a full examination by this very important body—this tribunal of professors, and schoolmasters, and scientific men? A person might be late in coming down to his office in the morning; he might go out of town on a Friday instead of on a Saturday; probably he might not come to town at the proper hour on Monday; there might be a thousand other little slips in the course of a week which are the objects of reproof and censure, and which the head of a department, and those immediately under him, as an Under Secretary, are constantly called upon to exercise their discretion upon; but if they found fault with a person who was in possession of the certificate, the answer might be, "Oh, I am not to be spoken to in this way; have not I a certificate of merit—have not I a decision—(probably a unanimous decision)—of this great tribunal pronounced upon my capacity—am I a person to be addressed in this way?" His noble Friend had spoken of the variety of persons he had consulted; and he (Lord Brougham) had also consulted persons who had been in office, and who had given him their opinions and their impressions as to what the consequences of such a plan must be when brought into practical operation; and the first thing they said was, "God forbid I should be in office with clerks under me every one of whom could produce a judgment on his merit in reply to any remonstrances that might be made against his official conduct." He only mentioned that as a sample of the kind of objections he had heard. His own opinion went along with the noble Earl (Earl Granville) in some respects, but in other respects he differed from him. It was his wish that the schoolmaster should be kept to his own proper functions; and, although he had at some former time and somewhere else expressed his high gratification that "the schoolmaster was abroad"—a phrase that had become somewhat popular—yet he was afraid he should now, if plans like this for making the schoolmaster depart from his proper province, and encroach upon provinces with which he had nothing to do, were to be adopted, feel inclined to wish that the schoolmaster might go home again.

THE EARL OF HARROWBY said, that he knew very little of the plan which was contemplated, except that it was intended to interpose some check upon the patronage of public offices, by creating some test in the shape of an examination with regard to the qualifications of the party to be appointed to that office. In what way that test was to be applied, by whom the examination was to be conducted, and how the offices were to be distributed after the examination, nothing was yet known further than what might be gathered from the Report on the table, which might or might not be an indication of the Government measure; and he wished to guard their Lordships and the public against running away with the idea that the plan, as suggested by the Commissioners, was that which the Government intended in all its parts to adopt. He could not help observing, however, that there appeared to be much less difficulty experienced by some noble Lords in imposing restrictions upon the Directors of the East India Company in the exercise of their patronage in regard to the government of India, affecting the well-being of 100,000,000 of people, than in adopting any similar restrictions in the administration of patronage at home. He could not but think that there was some little injustice, and some little inconsistency, in such conduct. Without, however, presuming to know more of the intentions of Government than what had been revealed by the noble Earl (Earl Granville), he would confine himself to saying that he believed the plan, so far as it had been indicated, was based upon a noble and generous principle, and that he did not think his noble and learned Friend, who had contributed so largely towards sending the schoolmaster abroad, should, after having seen the proofs of his labours, wish to call him back again to his home. As to the qualifications to be required on the part of the candidates for office, he did not conceive them to be that of great talent, or of high scientific attainments; but rather the moral qualities of steadiness of conduct and an application to business, as well as a power of acquiring practical knowledge. To ascertain the possession of these qualities, and, indeed, to encourage young men to attain them, a previous examination appeared to him to be by no means inappropriate. Such a plan would tend to check the influence of corruption in the exercise of patronage, and would give an enormous stimulus to young men in acquiring knowledge. What was it the Government were now doing? They were training schoolmasters for the purpose of qualifying them to impart a more intellectual kind of instruction than had hitherto been given to the people; and what was the complaint? It was, that the people would not remain at school sufficiently long to avail themselves of the education which the Government had provided for them. It seemed to him that the plan now contemplated would have the effect of inducing the people to obtain all the advantages that the educational institutions of the country could afford them, and if that should be the result, he confessed he should hail the plan with the greatest delight. He did not feel competent to pronounce upon the Government scheme before it was laid before them; but as it necessarily involved a large and generous sacrifice of patronage for the sake of the public good, he hoped their Lordships would not hastily decide against it.

THE MARQUESS OF CLANRICARDE said, he hoped their Lordships would not be induced to vote either for or against the plan or the Report that was then before them in reference to any opinion they might have expressed last year on the proposition for instituting a previous examination of persons to be appointed to the government of the Natives of India. He entirely protested against the analogy instituted by the noble Earl. The noble Earl had not spoken with his usual accuracy when he said that those who readily voted to curtail the patronage of the East India Directors resisted a similar proposition when it was applied to patronage at home. So far from that being the fact, they did actually the reverse; for, instead of limiting the patronage of the Directors to a particular class, they extended it to the whole population of India. The Company's service was thrown open to 100,000,000 of Natives, and thereby the patronage of the Directors, although curtailed in one sense, was greatly extended in another. But there really was no analogy whatever between the two cases. He agreed with the noble and learned Lord (Lord Brougham) that there was no doubt somebody would obtain very considerable patronage under this plan, whatever it might be. The plan, however, was not yet before them; but the Report of the Commissioners was, and he begged to remind their Lordships that his noble Friend (Lord Monteagle) spoke upon the Report. That Report being before the House and before the country, and having had the honour of being connected with two very important offices under the Crown, the Foreign Office and the Post Office, he felt bound to bear his testimony to the injustice done by that Report to the civil servants of the country. A more able, a more efficient, or a more honourable body of men than those who were in the Foreign Office never were in any office in any country in the world; and he defied any system to produce a better set of men. He believed that the Foreign Office was still in as efficient a state as ever it was. The Post Office was an immense department, having an enormous amount of patronage; and, no doubt, it would be extremely desirable that a strict examination as to the qualifications of the candidates for that office should be established, so far as it was practicable. But so far from the candidates for Post-Office appointments being, as had been said, the maimed and crippled members of a family, if he were to believe the persons who recommended them, and the parents and relations who testified that they were competent for office, then he would say that there was no sort of qualification, physical or intellectual, which they did not possess. Perhaps there was as much exaggeration on the one side as on the other. Persons applying for appointments in the better classes of the Civil Service were expected to bring with them business habits, and the feelings and manners of gentlemen, and his conviction was, that the Civil Service of the country was filled by men of a class whom it was a wonder to find devoting their lives to so comparatively unprofitable a pursuit. The country had no right to expect men having the manners, habits, and education of gentlemen—men of business—to devote their whole lives to the service of the public, and then after, it might be, upwards of fifty years of labour (he recollected one gentleman who had served fifty-two years) rewarding them with a miserable life pension, barely sufficient for a gentleman to live upon, without affording him any means of making a provision for his family. In conclusion, he begged to protest against what was stated in the Commissioners' Report in respect to the Civil Service of the country.

THE DUKE OF ARGYLL said, the noble Marquess had protested against there being any analogy between the case of the East India Directors and the case now under discussion; and he rose to enter his protest against that protest of the noble Marquess. He thought the two cases were exactly analogous. It was true that in one sense it might be said that the patronage of the East India Directors had been extended, because they were allowed to choose from a far larger field than before; but there was interposed, before the patronage of the Directors could be exercised, the obstacle of a literary examination. He could not conceive that those who contended last year that a literary examination would tend to improve the Civil Service in India, could now deny that a similar measure would improve the Civil Service in England. It had been said during the debate that such a measure as that suggested would prove not only inconvenient, but highly detrimental. His noble and learned Friend (Lord Brougham) took it for granted that the plan of Government was the plan of the Commissioners, which it was not; and then he contended that, because this examination would produce a higher class of men in point of education, all discipline over them by their superiors would be lost; but the plan of the Commissioners, if adopted by the Government, would have an effect exactly the reverse of that. It would improve the discipline of the clerks, because their promotion, instead of being then dependent upon seniority, would be dependent upon regularity and upon their success in their avocations. He knew it was a plan, the Government viewed it as a plan, and they all knew that it was a plan that would be received with very great reluctance by powerful parties—by those who had been, or those who hoped to be, connected with public office and with the exercise of patronage—the natural bias of their minds was against the plan; but against the reluctance of official people he believed it would force its way on its own merits, and, either under the auspices of this Government or of some future Government, some such plan would be adopted.

LORD MONTEAGLE thought that they were called upon to act on an *ex parte* case, and that they should have the whole of the subject submitted to them before they were called upon to legislate on it. If the whole was to be legislated upon, they were bound to have an explanation with respect to the whole. His noble Friend had said that the promotions would still be under the control of the superiors; but the Report contemplated further examinations with respect to further steps of promotion in the offices. Again, he would say that if they were called upon to legislate upon the subject, they must, in justice to the public service, have some Report on the offices that were not included in this Report.

EARL GRANVILLE thought he had guarded himself from saying either one thing or the other—either that the plan that the Government intended to submit was identically the same as that of the Commissioners, or whether it differed from that plan, and in what respect. With respect to the question as to whether certain offices had been examined into or not, he must say that it would be a matter of convenience that notice of such a question should be given, in order that inquiry might be made in the department, and means thus afforded of obtaining the information that was sought for. Speaking perhaps not accurately, he was not sure himself whether all the evidence was not before the House; but he was certain that his right hon. Friend the Chancellor of the Exchequer would be most anxious that every information in his power should be laid before their Lordships.

On Question, *agreed to.*

House adjourned till to-morrow.

HOUSE OF COMMONS,

Monday, March 13, 1854.

MINUTES.] PUBLIC BILLS. — 2° Guild of Literature and Art.
3° Mutiny.

WANDLE SEWERAGE AND WATER BILL.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. APSLEY PELLATT said, he was instructed by his constituents to oppose this Bill. A similar Bill—the London and Watford Spring-Water Company Bill—was rejected just twelve months ago, and the reasons which induced Parliament to reject that Bill was equally applicable at the present moment. He would quote to the House the words used by the noble Lord the Secretary of State for the Home Department on that occasion:—

> "It appeared to him that Parliament, by the Act of last Session, had imposed on the present water companies obligations for the supply of the metropolis, which would be necessarily attended with considerable expense, and which were to be carried into effect by works that would require a certain lapse of time for their completion. It would not, therefore, be in accordance with the fair understanding of that Act, that the House should, before the expiration of the time within which those works were to be completed—and until they had seen whether, by means of those operations, a sufficient supply of water could be provided—it would not be fair, either to the parties concerned, or the existing water companies, to sanction a Bill of this nature."—[3 *Hansard*, cxxv. 201.]

The promoters of this Bill proposed to construct a large subterranean trunk sewer for the drainage of the district between Croydon and Wandsworth, and to supply the houses in that district with water, charging only for the water and not for the sewerage. They professed to require a capital of only 500,000*l.*, but it was the opinion of experienced engineers that the works would probably cost double that sum. There were at present two companies, the Lambeth Water Company, and the Southwark and Vauxhall Water Company, in full operation, with every means of supplying the same district with water, in quantity and of a quality satisfactory to the public. The Lambeth Company had just laid out 170,000*l.* on works at Kingston for the purposes of filtration and increasing the supply, and the inhabitants of Southwark were quite satisfied with the purity of the water. He had tasted it that day, and was perfectly satisfied. A friend of his, a surgeon, who had sunk a well because the water was so impure, had discontinued the use of the well, and also the use of his filter, since the quality of the Lambeth Company's water had been so greatly improved. There was a time when the water consumed by the district was bad, and contained dragons and scorpions. The supply now, however, was unimpeachable, and reached to the extent of 10,000,000 gallons per diem, the capability of the Company extending to a supply of 40,000,000 gallons. Under these circumstances, although he had always been for unrestricted competition, he trusted the House would ratify the Parliamentary bargain with the old companies, and refuse to read the Bill a second time. He should move, as an Amendment, that it be read a second time that day six months.

MR. HADFIELD seconded the Amendment.

Amendment proposed, to leave out the

word "now," and at the end of the Question to add the words "upon this day six months."

Mr. JOHN MACGREGOR said, he should support the Bill, as not being a violation of the existing companies' rights. The principal object of the Bill was the drainage of a large district from Croydon downwards, and it was not intended to retail water, but to bring good water within a convenient distance, leaving it optional to the present companies to take their supply from thence as they chose. It was not intended to interfere with those districts now supplied by the existing companies until the period allowed them for effecting improvements had expired.

Lord SEYMOUR said, this scheme was submitted to a Committee, which sat for several days, two years ago, on the subject of supplying the metropolis with water; and, after considering all the proposals, they decided unanimously that it was better to regulate and control existing companies rather than introduce new companies into competition with them. Having so determined, Parliament imposed on the existing companies a large expenditure to seek fresh sources of supply, and to purify the water. He believed the House would act inconsistently with reason and justice if they sent again to a Committee a question which had been carefully considered, or if they disturbed the arrangement into which they had so recently entered. He would not enter into the question of mixing sewage with water, for there had been too much mixing of sewage with water already; he, therefore, hoped the House would reject this Bill.

Mr. ALCOCK said, he hoped the House would allow the Bill to go before the Committee; but if it were found to interfere with the monopoly of existing companies he should be willing to reject it.

Viscount PALMERSTON said, he had had communication with the parties interested in this Bill, and some communication with the parties opposed to it. He might say, on the whole, he was against the second reading, and for this reason, as he stated last year on a Bill of a similar kind, that there was an understanding come to between the Government and the different water companies, that they should not be interfered with for a period allowed them to arrange and organise their supply, and that period had not yet elapsed. This Bill had two objects in view:—to drain a large district ending in Wandsworth, and to supply water from the Wandle to that district and Lambeth. If the Company would confine themselves to the drainage of Wandsworth, nobody would be otherwise than anxious to support the Bill; but, as he understood that that enterprise would not pay unless coupled with the profit to be derived from the supply of water, he submitted to the House, as the time had not yet elapsed which was given to the established companies, to make their arrangements, it would be premature to give any new companies the right of water supply, and, on that ground, he thought it better the Bill should not be read a second time, when the expense of going before a Committee could only end in the Committee striking out the clauses which related to the supply of water.

Mr. BRIGHT said, that for the last two Sessions Bills of the most reasonable and useful character had been met by a statement such as the noble Lord had just made. He thought it would save a great deal of money if companies knew the time fixed during which they would not be listened to; and he begged to ask the noble Lord when the understanding with the London water companies would be no longer in force? For his part, he did not think any understanding come to by the Government of which the right hon. Baronet the Member for Morpeth (Sir G. Grey) was Home Secretary ought to preclude the House from fairly considering a Bill of this kind.

Sir G. GREY said, the Committee certainly sat whilst he was Home Secretary, but the arrangement was carried out when the right hon. Member for Midhurst (Mr. Walpole) occupied that office.

Viscount PALMERSTON said, he did not remember the exact period, but he thought the old companies were to be allowed five years to perfect their arrangements.

Mr. LOCKE KING said, the new Company proposed to supply water twenty per cent cheaper than existing companies.

Sir JOHN SHELLEY said, that if this Company had proposed to compete with existing companies after the bargain which had been made, it would be well to reject this Bill. But inasmuch as the Company proposed to supply 22,000 houses which were not supplied by other companies, and as petitions signed by 80,000 persons had been presented in favour of the Bill, he thought it ought to be read a second time, in order that it might be sent to a Select Committee.

Question put, "That the word 'now' stand part of the Question:"—The House *divided*:—Ayes 114; Noes 143: Majority 29.

Words *added*:—Main Question, as amended, put, and *agreed to*: Bill *put off* for six months.

RUSSIA AND THE PORTE—PETITION.

MR. BRIGHT said, he had to present a petition from Mr. David Urquhart, formerly Member for Stafford, and he trusted that he should fairly represent the views which it contained. The petitioner stated that he was formerly employed in the diplomatic service in Turkey, as secretary of embassy at Constantinople; that, having been long and intimately acquainted with the country, he knew the Ottoman empire was fully able to maintain itself against any attack on the part of Russia, and consequently he believed Russia never would have been guilty of the imprudence of entering upon her recent course, if she had not hoped to be supported by other Powers; that this conclusion was substantially shared by all the chief diplomatic officials at Constantinople, by the former Ambassador and secretaries of the embassy and also by the present Ambassador, who had expressed his sense of the dangers to which Turkey would be exposed by breaking down her cause and defence, and so turning the national spirit against the Government; that, having an intimate acquaintance with the Turkish people, the petitioner feared that great masses, being restrained from falling on the enemy, would turn their swords on one another, from which would ensue a revolution, the dethronement of the Sultan, and all the evils of a disputed succession; that, in his opinion, those dangers would be hastened by the arrival of the land forces, as they had been chiefly created by the presence of the naval forces of Her Majesty; that if the Turks were left free to capture the small Russian army south of the Pruth, our interference would be unnecessary; but the Turks were not suffered to do so, and were constrained to witness Russian reinforcements tranquilly poured into the Danubian provinces as they were last year; that, under these circumstances, there was still time for this House, by speedy interposition, to avert the catastrophe which the petitioner could not but foresee. The words of the prayer of the petition were:—

> "And your petitioner humbly prays that the Commons House of Parliament, in its wisdom, may see fit to advise the Crown, without delay, to withdraw her Ambassador from Constantinople, and her squadron from the Black Sea."

[*Laughter.*] There were many things laughed at which turned out to be very near the truth. He had another petition to present from Mr. William Peplow, a townsman of Stafford, whose views seemed to be more in accordance with those of Mr. Urquhart than the views of hon. Gentlemen opposite. The petitioner stated he was exceedingly afraid there had been something in the private negotiations between the English Government and the Government of Russia which had not yet seen the light, and perhaps could not bear to see the light; and he implored the House to institute inquiry into the fact, so as to obtain all the secret correspondence which had passed between the Ministers of England and the Court of Russia, on the probable ultimate fate of the Ottoman empire.

Petitions to lie on the table.

THE DINNER TO SIR C. NAPIER—QUESTION.

MR. FITZSTEPHEN FRENCH: I gave notice, Sir, a few nights since, that I would this evening put a question to the right hon. Baronet the First Lord of the Admiralty, whom I now see in his place. In the *Times* newspaper of the 8th instant appeared a report of a public dinner given to Sir Charles Napier on the previous evening at the Reform Club. At that dinner, which was attended by reporters from all the morning papers, for the purpose of making public the proceedings, the right hon. Baronet is reported to have stated that he then and there, in his official capacity, gave Sir Charles Napier liberty to declare war on entering the Baltic. ["Hear, hear."] Now, Sir, that may probably be, in the opinion of some hon. Gentlemen, a very judicious course; but what I wish to ask the right hon. Gentleman is this—first, by what authority he delegated this power to declare war to Sir Charles Napier, or to any other person, that being a power which, by the constitution of this country, is vested solely and exclusively in the Sovereign? Secondly, I wish to know, did he mean that that authority thus delegated to Sir Charles Napier should be acted on in anticipation of the arrival in this country of the Czar's reply to the ultimatum recently forwarded to St. Petersburg by the Governments of England and France?

SIR JAMES GRAHAM: Although,

Sir, I am not disposed to admit the right of the hon. Gentleman to put a question with respect to what passed after dinner [*Laughter*] at the Reform Club, it would, perhaps, not be respectful if I were not to give some answer to it. I have to state, then, to the hon. Gentleman—with respect to the authority alleged to have been given by me to Sir Charles Napier to declare war, in the part of my speech which has been alluded to—that what passed upon that occasion was this: My gallant friend, Sir Charles Napier, had said, in the course of his speech, that he hoped before he entered the Baltic he should have authority to declare war; and I, following Sir Charles Napier, and replying to the observations made by him, stated that when he entered the Baltic I hoped there would be no difficulty on his part in declaring war. But I have to state to the House that at present no declaration of war has taken place, that no orders have been given to Sir Charles Napier to enter the Baltic, and that when war is declared, a formal communication will be given of the fact.

Mr. BRIGHT: Sir, I shall take the liberty, that I may avoid being out of order, to move the adjournment of the House. I gave notice to the right hon. Baronet the First Lord of the Admiralty, a few evenings ago, that I would put a question to him upon this subject; and I cannot say that the answer which the right hon. Gentleman has just given to the hon. Member for Roscommon (Mr. French) is such a one as meets the case, or as would justify me in saying nothing more upon the subject. The right hon. Gentleman complains that he is asked about something that happened after dinner; and the House put an interpretation upon that which I am quite sure was not justified by the state of the right hon. Gentleman at the time. There are, however, matters connected with this question which affect the Government as a Government, and not the right hon. Gentleman alone. I have seen it stated in the morning papers, and it has been currently reported, that some time ago it was proposed by the Lord Mayor of the City of London to give a dinner at the Mansion House to distinguished officers of both services. Every gentleman who becomes Lord Mayor appears to become excited about something, and in the effervescence of my Lord Mayor Sidney, it was thought possible to have a dinner at which distinguished officers of both services should be present. I understand that application was made to the right hon. Gentleman as head of the Navy, and to Lord Hardinge as head of the Army, with a view to carry out this object, and that, in the one case, it was agreed that some thirty officers, and, in the other, I believe, as many as forty should be invited. Everything went on swimmingly for the ambition of my Lord Mayor, until at length, in consequence of an intimation from some higher power, either the Cabinet or the noble Earl at the head of the Government—I suspect the latter—the dinner was countermanded, and for a time, at least, postponed. Nothing, in my opinion, could be more prudent or more judicious than that second determination; for, in the circumstances in which we are now placed, and at such a critical period, I should say that it is far better that the Government should abstain from demonstrations of this nature. The dinner at the Mansion House, therefore, did not take place; but a dinner did take place at the Reform Club. Now, I do not at all expect the Government to put an end to dinners at the Reform Club. Clubs are celebrated for their cookery, and a great number of the members make preparing for their dinners and eating them the chief object of their concern during the day. ["Oh, oh!"] I am sorry if I have said anything offensive to any hon. Member. But, although it is no part of the business of the Government to put a stop to dinners at the Reform Club, yet, if they thought the dinner at the Mansion House injudicious, I do not know how they could think the attendance at the Reform Club dinner of three Cabinet Ministers and of an Admiral just appointed to a high command otherwise than an injudicious step. I suspect we shall soon have to ask who are the Ministers—who are the Cabinet?—where are we to look for the administrative power of the country? I look upon this occurrence as a proof that there is a majority and minority in the Cabinet—that there are differences of opinion in the Government upon this, and perhaps upon some other important questions. I shall say nothing as to the good taste or bad taste of Ministers of the Crown attending that dinner at the Reform Club. I can imagine, however, that after Ministers have succeeded in bringing the nation to the verge of the precipice of war, they will not be very particular as to the means they take of keeping alive and stimulating public passion in order, it may be, that some blunders which have been committed may, in the midst of this prevailing frenzy, remain undiscovered. It is said that the noble Lord the Member for the City of London was asked, if not to preside, at least to be present at that dinner. Now, I need not remind the House that that noble Lord, in the midst of many political successes and of some political reverses, has generally—in fact I think always—contrived to show that he has some respect for his own character, some regard for his own dignity and for his own position—and he was not present at this dinner. The noble Lord the Member for Tiverton (Viscount Palmerston), however, was the chairman upon that occasion. I will not go into the question as to whether he should have been or not; but I could not help contrasting the language which he used, when speaking of the single-mindedness, the good faith, and the honour of a certain ruler abroad, with the language he used some two years since, when he sought to frighten this House and the country by describing the imminent probability of a marauding army of some 60,000 Frenchmen landing on the southern shores of England in a single night. Another feature of this dinner which gave me great pain was the presence of my right hon. Friend the Member for Southwark (Sir W. Molesworth), the Chief Commissioner of Woods and Forests. It is wonderful to think what a change a few months of official life appears to make in public men. We have heard of men who have grown old from the anxieties of a single year. We have heard even of men whose hair has been turned grey by the agony of a single night. I think it was Horace Walpole who remarked upon the frankness with which Members spoke when on that (pointing to the Opposition) side of the House, and on the diplomatic reserve which they displayed when they sat on the benches below me, and who observed that Ministerial language was the easiest of all languages, for a man could learn it in a week. It has only taken some twelve or fifteen months of official life to erase from the mind of the right hon. Baronet (Sir W. Molesworth) all traces of that great principle of non-intervention upon which, in 1850, if I recollect aright, he gave a vote emphatically condemning the foreign policy of the noble Lord the Member for Tiverton. But I now come to the right hon. Gentleman the First Lord of the Admiralty. He has been in this House longer than most of us can remember—in fact, I suppose, scores of Members of this House were not so high as the table, when the right hon. Gentleman was first immersed in political affairs—he has held office for a great number of years, and he is a man whose language is most precise and accurate. He is not surpassed—I doubt if he is equalled—by any Member of this House in the beautiful precision with which his words are placed and uttered. The right hon. Gentleman is so good a judge of what is discreet, that in flat contradiction to the understood opinion of the noble Lord the Member for London, he took upon himself to vouch for and guarantee the absolute discretion of Sir Charles Napier. Reverting, however, to the language actually uttered, as the published reports present it to us, let us see how the matter stands. Sir Charles Napier's was, in my opinion, the best speech at the dinner. There was nothing in it unbecoming the position in which he was placed; and I will say nothing of his appointment, more than this, that it seems now to be the opinion of the Government, and a settled theory, that a man does not arrive at maturity until he is seventy years of age. I am certainly of opinion that it is not very judicious to leave the command of the most powerful and most costly fleet—most costly, whether we regard the money value of the vessels and their stores, or the amount of human life embarked in them—that ever left this country, to a man who has passed that period of life when the mental and bodily powers are in full vigour. Now, the language which Sir Charles Napier is reported to have used at the dinner—and I believe, from what I have heard, that the report is almost literally accurate—was this:—"I cannot say we are at war, because we are still at peace." [*Laughter.*] One would really suppose there was nothing so funny as the whole matter about which these gentlemen were assembled to discuss. But Sir Charles went on to say:—"But I suppose we are very nearly at war, and probably, when I get into the Baltic, I'll have an opportunity of declaring war"—a statement which is said to have been received with loud cheers and laughter, and cries of "Bravo, Charley!" Now, it was in reference to this probability that the right hon. Gentleman the First Lord of the Admiralty made this observation:—"My gallant friend says, when he goes into the Baltic he will declare war; I as First Lord of the Admiralty give him my free consent to do so."

I understand what the right hon. Gentleman means by saying, "When he goes into the Baltic;" but suppose the same language had been used before Admiral Dundas entered the Black Sea. It would have been just as proper and rational for a Minister of the Crown to have used such language in that case as in the present; and no idea that we might be at war when Sir Charles Napier got into the Baltic could, in my opinion, afford the slightest excuse for the indiscreet language of the First Lord of the Admiralty. What I was going to ask—if I had not been anticipated by the hon. Member for Roscommon—was, whether for the language which he had used, and the tone which he adopted, the right hon. Baronet had the sanction of the Cabinet, or the authority of his Sovereign. From the explanation he has given it appears that it was only an after-dinner speech—that, in fact, a subject the gravest of all was treated in this manner—I will not say for the purpose of eliciting cheers, although it, no doubt, did elicit cheers from an audience who were not very particular about what they cheered, nor about what the Government were going to do. I must confess that I have read the whole of these proceedings with pain and with humiliation. Whether this war may be justifiable or not is not the question, but whatever sort of war it may be, it is an awful sort of thing to any nation that engages in it. If war be not itself always a crime, it is the inevitable parent of innumerable crimes. There are thousands, perhaps ten of thousands of lives depending upon this question. The fortune and happiness, it may be, of millions are depending upon it. You are sending out 25,000 men to the other side of Europe. You are taking a man from each of 25,000 British homes; in each of those homes there is a British family filled at this moment with feelings of the deepest anxiety—fear, it may be, alternately with hope. We know that before the summer is over, perhaps even before it comes, we may have news from the swamps of the Danube—news of the indiscriminate slaughter of the battle-field—which may strike hundreds of people in this country dumb with agony and despair. I want to know, then, whether the jokes and stories of the noble Lord the Member for Tiverton were becoming a time like this? The question, I conceive, Sir, is one of the gravest that can be discussed by a country or a Legislature, or undertaken by a Government; and the reckless levity that was displayed was, in my opinion, discreditable in the last degree to the great and responsible statesmen of a civilised and Christian nation.

VISCOUNT PALMERSTON: Sir, if the hon. and reverend Gentleman—

MR. COBDEN: I rise to order. The noble Lord has, I believe, made use of an epithet, in speaking of my hon. Friend, that is not justified by the rules of this House. I trust I shall not misinterpret his meaning when I say that it was not intended to be personally offensive; but I think I shall not be contradicted by a majority of this House when I say that it was flippant and undeserved.

VISCOUNT PALMERSTON: I will not quarrel, Sir, with the hon. Member for the West Riding about words; but as the hon. Gentleman (Mr. Bright) has been pleased to advert to the circumstance of my being chairman at the dinner to which allusion has been made, and as he has been kind enough to express an opinion as to my conduct on that occasion, I deem it right to inform the hon. Gentleman that any opinion he may entertain either of me personally, or of my conduct, private or political, is to me a matter of the most perfect indifference. I am further convinced that the opinion of this country with regard to me and to my conduct will in no way whatever be influenced by anything which the hon. Gentleman may say. I therefore treat the censure of the hon. Gentleman with the most perfect indifference and contempt. ["Order!"] That may be Parliamentary or not. If it is not, I do not insist upon the expression. The hon. Gentleman has stated that he felt the greatest pain on reading the proceedings which took place at that dinner. That pain arises, no doubt, from the manner in which the members of the Reform Club were pleased to testify their confidence in Sir Charles Napier, and their satisfaction at finding that a distinguished member of his profession, happening also to be a member of the club, had been selected for a most important post at a time of great public emergency. The hon. Member, I dare say, read with great pain an account of any manifestation tending in any degree towards the expression of an opinion that there should be a recourse to arms, no matter what might be the interests or the cause at stake. The hon. Member, I have no doubt, sympathises with that respectable gentleman whose pamphlet I read on a former occasion, and I dare say the hon.

Member is of opinion that this country ought to submit to any degradation rather than have recourse to war. That is an opinion which the hon. Member is perfectly justified in maintaining. I do not dispute his right to maintain such an opinion, but he stands almost singly in that opinion on this occasion, with the great majority of the country against him. For my own part, I can only say that I felt very proud at being invited by the Reform Club to preside at the dinner on the occasion to which allusion has been made. I thought it an honour conferred on me when I was asked to preside at a dinner given to my gallant friend Sir Charles Napier. The hon. Member for Manchester thinks that Sir Charles Napier is too old for his duties. The result will show whether he is too old or not. The hon. Member for Manchester, moreover, thinks that these dinner arrangements must be Cabinet questions. Now, I can assure him that they are open questions. They are not discussed in the Cabinet at all; and, though I confess the speech of the hon. Member was calculated to excite any but a friendly feeling on my part, I will only say, in conclusion, that if he should get himself elected a member of the Reform Club—[An hon. Member: He is a member.]—Oh! he is a member, is he? A most unworthy member, I must say. Well, if, however, the hon. Gentleman, being a member, should fall into the humour of the Reform Club, and should attend the next dinner which is given in honour of a distinguished officer who is about proceeding upon an important public service, I can only say that we shall be happy to hear his speech, although, perhaps, it might not add to the conviviality of the evening, yet I can assure the hon. Gentleman that, whether he may be in that state in which he assumes my right hon. Friend (Sir J. Graham) not to have been, or whether he may be able—as I doubt not he would be—to go through the festivities of the evening with the same clearness of intellect as he manifests on all occasions in this House, I can assure him that we shall be ready to discuss with him any question, public or private, of peace or of war, which he may choose to start; and I, at all events, shall not think that he discredits himself by attending a dinner given by the club to a distinguished officer, one of its own members, before starting for foreign service.

Sir THOMAS HERBERT: Sir, I rise to put a question to the right hon. Baronet the First Lord of the Admiralty, of which I have given notice. I have seen in the papers words attributed to the right hon. Gentleman on a late festive occasion, which have been read with much surprise—indeed, I may say, pain—by officers of the service to which I have the honour to belong, and also by officers of the sister service—I need scarcely say that I should be the last man to grudge to my distinguished and gallant friend Sir Charles Napier any compliment or honour that could be paid to him; but the words to which I allude, addressed to the members of a political club, appear to me so extraordinary, as coming from one occupying the high position of the First Lord of the Admiralty, that I have deemed it my duty to take the earliest opportunity of ascertaining whether they have been correctly attributed to the right hon. Baronet or not. Without further preface, Sir, I beg to ask the First Lord of the Admiralty whether certain words attributed to him in a speech delivered at a dinner given in the Reform Club to Admiral Sir Charles Napier, have been correctly reported, which appears in the *Times* of the 8th day of March, namely,

> "We, as reformers, may be proud that the honour of the British flag in the Euxine and the Baltic is entrusted to two such champions as Admiral Dundas and Sir Charles Napier?"

Sir JAMES GRAHAM: Sir, if the hon. and gallant Admiral deliberately thinks it his duty to put the question to me with which he has concluded, and if I am to collect that the House thinks it becoming to pursue this inquiry further and to entertain this subject seriously, I shall not hesitate to answer the question which has been put by the hon. and gallant Admiral. I believe that the words which he has read are correctly reported, and I have nothing to retract or to explain. I was invited as a guest to the Reform Club; and it did appear to me that it was neither improper nor inappropriate to congratulate the members of that club that two of their oldest and most distinguished members had been selected for the command of two such important fleets as the fleet in the Euxine and the fleet in the North Sea; and I did say that I, as a reformer, certainly rejoiced with them that two members of their club had been considered sufficiently trustworthy and well qualified to be the champions of the British flag at a moment such as this, and in an emergency like the present. Again I say that I have nothing to regret or to retract in respect to that expression. But the hon. and gallant Officer, since he has studied the report of what was said upon that occasion, should not, I think in justice to me, have neglected to notice the comment with which I prefaced those words; I said that in my opinion politics were rightly excluded from the naval profession. I do not believe that in the selection either of Admiral Dundas or of Sir Charles Napier political considerations entered in the slightest degree. All I can say is that, in administering the patronage of the Admiralty to the best of my judgment, I have conscientiously and invariably endeavoured to make that sentiment the rule of my conduct.

Sir WILLIAM MOLESWORTH: Sir, with reference to the observations which have been made by the hon. Member for Manchester (Mr. Bright) upon my attending the recent dinner at the Reform Club, I may be permitted to state that I attended there as a member, and a very old member, of that club. Upon that occasion I was called upon to propose the health of the Turkish Minister. In so doing, I expressed very briefly what were my views as to what had been and what ought to be the policy of Her Majesty's Government. I said that they had endeavoured to the utmost of their power to preserve peace—that their efforts had been unsuccessful—that the time for vigorous action had come, and that I hoped success would attend our arms. In expressing those sentiments I am not aware that I said anything of which I need be ashamed. Certainly I said nothing that I should have forborne to express either in this House or anywhere else; and I may be permitted to add, that I do not think that I said anything at all opposed to any opinion that I have ever entertained. The hon. Member for Manchester has thought proper to accuse me of some change in my opinion since I have have had a seat upon these (the Treasury) benches. I beg to give to that charge a flat contradiction. I do not in any way acknowledge the right of the hon. Member to be my political guide or leader, and, while I respect his talents, he will permit me to say of him, that though I think he is an able man, I at the same time think that he is full of illiberal and narrow-minded prejudices.

Mr. DISRAELI: Perhaps, Sir, we have been discussing this question in rather too grave a spirit; for I cannot help thinking there are some extenuating circumstances which might be alleged at the present moment on the part of the right. hon. Baronet (Sir J. Graham) who has addressed us. It is perhaps possible that the right hon. Gentleman may have verbally and indiscreetly interfered for a moment with the exercise of the prerogative. It is possible the right hon. Gentleman may have told Sir Charles Napier that he was at liberty to declare war. ["No, no!"] Well, you know, it is matter of considerable notoriety that Sir Charles Napier never obeys orders; and, therefore, taking the charitable view of the question, I consider that when the right hon. Baronet told Sir Charles Napier that he might declare war, he was quite confident that Sir Charles would maintain peace. Perhaps, also, too much stress has been laid by my hon. and gallant Friend (Sir T. Herbert) on the declaration of the right hon. Gentleman's gratification that two powerful fleets should, at this moment, be commanded by Reformers. I confess I felt shocked, at first, at reading this declaration, for it seemed to me to have been dictated by a partisan spirit, which I could not at the moment suppose to have been wisely displayed by the administrator of the Admiralty of this great naval country. But, upon reflection, even that objectionable passage assumed a different character. No doubt it is a subject of congratulation that these two fleets are commanded by two sound Reformers. But then it must be recollected, on the other hand, that a sound Reformer means a gentleman who does not reform; and, therefore, taking that view of the question, we may look on these two Reformers as two Conservatives, because I believe we are pretty well agreed that the Reformer of the present day is the most harmless animal going. And, therefore, instead of this being a bitter partisan boast on the part of the right hon. Gentleman, I come to the conclusion that this also was a harmless and amicable passage. There was another point in the speech, I confess, which gave me some alarm; it was the invective which the right hon. Gentleman uttered against the Emperor of Russia—the country having just been informed by the noble Lord, the leader of this House, that we were still in negotiation with that potentate, and having only within a few days been assured by the Prime Minister that he believed that war was not inevitable. I did consider, I must say, that for an English Minister of the great talents and position of the right hon. Gentleman, going to this dinner at a political club, and delivering an invective against the Emperor of Russia, was, under the circumstances, most undignified and indiscreet. But, Sir, further reflection convinced me that there was much more discretion in the right hon. Gentleman, even in this respect, than would upon the surface appear, because I remembered that a year ago the right hon. Gentleman had delivered an invective against another Emperor, and that I—for I am never ashamed to confess when I am in error—I, who have not had the experience of the right hon. Gentleman, and have no pretension to his statesmanlike ability, committed the grievous blunder of calling the attention of this House to it. I thought that the peace of Europe was in danger. But the Emperor of France—no doubt, in consequence of this abuse—has become one of the most trustworthy and cordial of our allies. And so, no doubt, in that invective against the Emperor of Russia the right hon. Gentleman sees much further than we do, and the only consequence apparent to him is that we shall soon count the Emperor of Russia also as among the most faithful and cordial of Her Majesty's allies.

MR. SPOONER said, he was very far from thinking that the House had treated this subject too gravely; for he was not ashamed to say, although he differed essentially in most of his political views from the hon. Member for Manchester (Mr. Bright), that he completely concurred with him in the sentiments which he had expressed that evening. It was an awful thing to engage in war, and he agreed with the hon. Member that it was not at festivals like the one in question that a great nation should be called upon, headed by Her Majesty's Ministers, to express an opinion as to the policy of going to war. He contended that the right hon. Baronet (Sir J. Graham) had not met the question in the way in which it ought to have been met; and when he accused the hon. Member for Manchester of standing alone upon the present occasion, he could tell him that the country was with that hon. Member in the view which he took of the impropriety of so commencing a war, and he was quite sure that the great bulk of the thinking people of this nation lamented what had taken place at the Reform Club. He did not reproach the Government for having undertaken this war, because he believed it to be a just and necessary war. He did not blame them for not having hastened it, because he thought that they had shown a wise discretion in not doing so. Neither did he blame them for the exertions which they were now making, because he thought that in that respect the country was with them; but he believed that they would have had a greater amount of support from the thinking part of the nation if they had entered into this war with a more solemn feeling, and expressing, at least, a deeper sense of the responsibility which devolved upon them. He believed that this was the first time that war had been so near impending upon which the Government had not advised the Sovereign to proclaim a solemn fast. It was the duty of a Christian nation to acknowledge Providence in all its affairs. We boasted of our fleets, of our armies, and of the good feeling of the people; but the battle was not always to the strong, neither was the race to the swift; and he sincerely trusted that the noble Lord would yet see fit to advise Her Majesty to call upon all her subjects to join together in imploring the mercy and praying for the guidance of Providence, and in committing to his care the awful interests now about to be involved. If he had allowed the jokes of the noble Lord the Secretary of State for the Home Department, or even the amusing speech of his right hon. Friend (Mr. Disraeli), to have diverted attention from the important view which had been put forth by the hon. Member for Manchester, he felt that he should have been guilty of a great neglect of duty.

MR. COBDEN said, it was not his intention to have said one word upon the present occasion, had it not been for the observations which had fallen from the right hon. Gentleman the Member for Southwark (Sir W. Molesworth)—observations which he had heard with very great pain; for if there was any one hon. Member in that House in particular, whose public course throughout a long political life he had been led to respect, it was that of his right hon. Friend. But he must say, having even a longer knowledge of the right hon. Gentleman than the hon. Member for Manchester—having, if he might be allowed to say so, a very intimate knowledge of his right hon. Friend's opinions on many questions—he must say, and that, too, without claiming any sort of title to act as the guide or leader of the right hon. Gentleman's political opinions—he must declare that there had been always the best possible grounds for believing—in fact, it was a matter capable of being mathematically demonstrated (and the right hon. Gentleman would understand that phrase)—the best possible grounds for believing that the opinions which the right hon. Gentleman entertained with respect to foreign affairs were justly to be characterised as the principle of non-intervention. It appeared, however, that he had been totally mistaken, and that, after fifteen years' acquaintance with the right hon. Gentleman he had not formed a correct estimate of his opinions in our foreign policy; for, if there had been one man more than another who, according to his anticipations, would not have attended that dinner, and made the speech the right hon. Baronet did, he (Sir W. Molesworth) was the man he should have selected. The right hon. Gentleman had separated the member of the Cabinet from the member of the club; he spoke of him now in both, in all his capacities, and said that he had always believed, and he considered that he had had reason to believe, that the right hon. Gentleman's opinions were precisely those which had been attributed to him by the hon. Member for Manchester. Well, that being so, when he witnessed the acrimony, the bitterness, and the want of temper with which the right hon. Baronet had retorted upon his (Mr. Cobden's) hon. Friend (Mr. Bright)—accusing him of attempting to set himself up as his (Sir W. Molesworth's) political leader—he must say that that tone and temper brought back to his recollection a remark of a philosopher, that when a person expressed contempt for another in very strong terms, that individual did not always feel all the contempt pretended, but that another sort of feeling entered into the question—namely, a feeling of self-reproach and remorse. But his right hon. Friend had endeavoured to separate himself from his position as a Cabinet Minister on the occasion of this banquet. Now, he ventured to say that the hon. Member for Manchester had ventured to frame this charge against him solely in his capacity as a Cabinet Minister, and in none other. He had not said a word of the speeches of the noble Lord the Member for Marylebone (Lord D. Stuart), or the hon. and gallant Officer the Member for Westminster (Sir De L. Evans). They were not alluded to, because they did not hold responsible situations; but with Cabinet Ministers the case was very different. Cabinet Ministers had an awful power vested in them—one which was not to be frittered or trifled away in after-dinner speeches. He thought, however, that all these speeches would have very little effect as tending to war or peace, because war had been determined on already, before the gentlemen made their speeches. But how did their conduct look when it was remembered that while holding such language they were sending out an offer of peace to the Emperor of Russia. He freely confessed that his feeling now, as it was before when the noble Lord the Member for London (Lord J. Russell), made his speech, was, how are we ever to have peace again, how, when those who administer power in this country hold such language? Because, after all, the end and object of war must be peace. It appeared to him, however, that not only had the language of these Cabinet Ministers rendered war inevitable, but it had rendered peace impossible. Perhaps Her Majesty's Government had acted in this matter upon the maxim of a celebrated writer laid down by a French historian, that no English Ministry that ever entered upon a war had ever lived to see the end of it. In all probability, therefore, the impression in the minds of these Ministers was, that they were not burdened with any feeling of responsibility for the future. He must say he made these remarks with very great pain, though at the same time he was prepared to endorse anything which had fallen from his hon. Friend the Member for Manchester.

Subject dropped.

THE APPOINTMENT OF MR. STONOR—QUESTION.

MR. G. H. MOORE said, he had to put two questions to the noble Lord the Member for the City of London, in reference to the appointment of Mr. Stonor, and of which he had given him notice. He found, in the Report of the Sligo Election Committee in 1853, a resolution in the following terms:—

> "That Jeremiah Joyce O'Donovan, an alderman of the borough of Sligo, was bribed by Henry Stonor, by the promise of payment of 103*l*., being a portion of an outstanding election account, to forbear giving his vote, which he had promised to Mr. Somers, and in consequence absented himself during the election; and that he had also been implicated in bribery in 1848."

It thus appeared that on a former occasion the Member for the county was unseated, and that Mr. Stonor was, according to the Report of the Election Committee, mixed up with the bribery which had taken place on that occasion. It was also certain, that on the latter occasion—namely, in 1853—he was reported against personally as having been guilty of bribery. Now, that being so, he had ascertained—though, by a very strange circumstance, the appointment had not yet been notified in the *Gazette*—he had ascertained through the public press, and he had since been informed of the fact by the hon. Gentleman the Under Secretary for the Colonies, that this Mr. Stonor, who had been implicated in bribery on one occasion, and reported against by a Committee of that House on another, had been just appointed a Judge in one of Her Majesty's Colonies. Now, it was quite clear if hon. Gentlemen were to be thus rewarded who had been reported against for bribery, that such Reports were to be looked upon with envy rather than any other feeling—certainly they would lose all moral weight. Under these circumstances, then, he had to ask whether Her Majesty's Government, in appointing Mr. Stonor, were aware that that gentleman had been reported against by a Committee of that House for bribery ? and, if they were not so aware, whether they were prepared now to cancel the appointment ?

MR. FREDERICK PEEL said, he wished to explain to the House, first, the nature of the appointment which had been received by the gentleman in question, and next the circumstances of comparative pressure and haste under which it had been made. The Chief Judge of the Supreme Court of Victoria was at present on leave of absence, and under ordinary circumstances the appointment to the vacancy would be made in the colony. In this instance, however, the Governor of Victoria had reported that he was not able at that moment to make as fit an appointment as he could wish on the spot, and he, therefore, applied to the Colonial Office for a gentleman to be sent out from this country to fill the post during the temporary ab-absence of the Chief Justice ; stating, at the same time, that the business of the court was increasing so rapidly, that there was a prospect, on the return of the Chief Justice, of the appointment of an additional Judge to the Supreme Court, in which case the claims of the gentleman to be sent out would be duly considered. Under such circumstances, therefore, the name of Mr. Stonor was submitted to the Duke of Newcastle, and his appointment was made exclusively in reference to the recommendations which had been received on his behalf, and in respect of his professional attainments, and his fitness and capacity to fill the situation to which he had been recommended. [*Laughter.*] Hon. Gentlemen opposite might laugh ; but on his own behalf, as well as on behalf of the Duke of Newcastle, he would state, that up to two days ago, when he had received a letter from the right hon. Gentleman opposite (Mr. Henley), who had been Chairman of the Sligo Election Committee, he was not aware, nor was the Duke of Newcastle, that this gentleman had taken any part in any election at Sligo ; nor was he aware that the part he had taken in that election had been reviewed by a Committee of that House, or that it had been censured in the Report which that Committee presented to the House. So much, then, for the first question of the hon. Gentleman, as to the circumstances under which the appointment had been made. The hon. Gentleman then went on to ask whether Her Majesty's Government, being made aware of the peculiar transactions of Mr. Stonor, and of the light in which they presented themselves—whether they were prepared to cancel his appointment ? Now, every one would admit that there was a considerable difference between passing over the pretensions of a person whose conduct had appeared objectionable, and in cancelling the appointment of that person after it had been made ; for the Government could not cancel that appointment without declaring that that person was no longer eligible for employment under the Crown. He was not prepared to follow such a course as that without considerable hesitation, and without feeling assured that the guilt of the party was beyond all doubt. But he would undertake that if any hon. Gentleman would take the trouble of reading the Report of the Committee, and, in conjunction with the Report, the evidence on which it was founded, he would entertain very grave doubts whether the Committee had been justified in arriving at the conclusion which they had in reference to Mr. Stonor. He had looked at the evidence, and he found there that the charge against that gentleman was, that he had promised to pay a certain alderman a sum of money if he would abstain from voting ; and the only ground on which the charge rested was a letter which did not appear in the evidence. He thought, therefore, that he was fully justified in saying that

that gentleman had not been fairly dealt with by the Committee. If that gentleman had been justly dealt with by the Committee, the letter containing the alleged promise ought to have been produced. And he should also add that the letter in question was written several months before the election took place; and it was stated to have been used, not by the person to whom it was addressed, but by another party. [*Laughter.*] Hon. Gentlemen opposite seem to regard this statement with some incredulity; but he found himself supported in it by several gentlemen very well qualified to express an opinion on the matter, and who concurred in the view which he (Mr. F. Peel) took of the case. For instance, he found that, in the debate which occurred in reference to the Report of the Committee, the right hon. Member for Manchester (Mr. Milner Gibson), as well as the hon. Member for the county of Cork (Mr. Vincent Scully), both stated that they had examined the evidence, and that they were of opinion it did not support the conclusion to which the Committee had come; and, more than that, upon the same occasion two Members of the Committee — which had consisted of five Members—rose, and expressed themselves of opinion that the Report had done great injustice to Mr. Stonor—he referred to the hon. Member for West Surrey (Mr. Evelyn), and to the Member for Ashton-under-Lyne (Mr. Hindley). He was also able to state that the Resolution against that gentleman had been carried only by a majority of one; and that, although upon the occasion to which he had been just referring, the other Members of the Committee appeared to have been in the House, and had heard the statement made by their colleagues, they never availed themselves of the opportunity of expressing their dissent from the opinions then expressed; and, therefore, it was not unfair to conclude that by their silence they had acquiesced in them. In conclusion, then, he would only say that the appointment in question had been made without the transactions alluded to being known either to the Duke of Newcastle or himself, and that the Government now having been made aware of them, and having had an opportunity of examining the evidence on which the Report of the Committee rested, were of opinion that no adequate ground existed for its cancelation.

Mr. G. H. MOORE said, he wished to explain why it was that he, at all events, had remained silent on the occasion just referred to by the hon. Gentleman. He had been personally requested by the friends of Mr. Stonor—["Oh, oh!"] Well, he would mention names, if necessary. He had been requested by the hon. Member for Dundalk (Mr. Bowyer), as a friend of Mr. Stonor, to abstain from speaking on the occasion; and, to use a vulgar phrase, as he did not wish "to throw water upon a drowned rat," he had desisted from doing so.

Mr. DIVETT said, the hon. Gentleman the Under Secretary for the Colonies had been pleased to come to a most false conclusion, though he most reluctantly said so. Now, if there was one duty more painful to him than another, it was that of attending Election Committees; and, more than that, having acquitted himself of that duty, he was the last man in the world that wished to allude to the proceedings of any Committee on which he had been engaged. However, he remembered that last year an hon. Friend had told him that he had been making some comments on the Report of the Sligo Committee, with a view, it appeared, to whitewash Mr. Stonor, when he (Mr. Divett) expressed himself as very glad that he had not been present, as it would have been his painful duty to have vindicated his conduct, and the course which the Committee had adopted. Now, the hon. Under Secretary for the Colonies has been pleased to say that he had reviewed the evidence, and that he considered the Committee came to a wrong conclusion. Well, he could only say, that having served very often upon Election Committees, he would declare that he had never come to a conclusion which he believed to have been more justly or correctly formed than on that very occasion. He believed not only that Mr. Stonor had acted most corruptly, but most imprudently. That gentleman had been pleased to write a letter, which was before the Committee, in which he stated, in the most distinct terms, that, in the event of Mr. O'Donovan changing his mind, and voting for Mr. Towneley instead of Mr. Somers, he would take care that the unsettled account of a former election should be arranged. But matters did not stop there, for the gentleman in question (Mr. Stonor) must needs also come before the Committee as a counsel—so that he (Mr. Divett) never in his life saw a clearer case of agency, which rendered it utterly impossible for the Committee to come to any other conclusion than what they did. It was his firm conviction, though he stated it with pain, that a more discreditable figure was never made than that made by Mr. Stonor on that occasion, and he must also say that a more discreditable appointment was never made.

MR. BOWYER said, that the hon. Member (Mr. Moore) had stated that he had requested him not to state to the House what he knew of this business. What he (Mr. Bowyer) did say was this. There was a discussion on this subject, and as it appeared to him there was a disposition in some quarters to bear very hard on Mr. Stonor, an old and valued friend of his, he very naturally said, "Don't attack Mr. Stonor." He believed that in doing so he did what any hon. Gentleman would have done, and that he was right, as a friend of Mr. Stonor's, to make the best case for him. As to the merits of the case, it was a remarkable circumstance that the letter on which Mr. Stonor was found guilty did not appear on the minutes of the Committee, was not a portion of the record, and, in point of fact, was not before the Committee. There was an old account standing against Mr. Towneley; Mr. Towneley's agent was Mr. Stonor; and Mr. Stonor was applied to to use his influence with Mr. Towneley to get the money paid. Mr. Stonor did not say, "If your friend will abstain from voting, Mr. Towneley will pay him the money." Mr. Stonor merely said that he could not bring the case before Mr. Towneley then, but that after the election he would see what he could do, and the letter was not written to the voter but to a third party who had no authority whatever to show or communicate the letter to the voter. But was it to be said that because a man was convicted irregularly, informally, and on evidence not on the record, he was not ever to be employed by the Crown during the remainder of his life? He thought this was carrying the authority of Committees of this House a great deal too far. Mr. Stonor was eminently fitted for this office, and he had been appointed to it from his fitness. Such a conviction as that standing against him ought not to disentitle any man to the just rewards of ability and professional eminence.

SIR EDMUND FILMER said, that as a Member of the Committee referred to, he must beg to remind the House that on a former occasion he had taken the opportunity of stating that he had come to a conclusion precisely similar to that formed by the hon. Member for Exeter (Mr. Divett), and which he had made known again that night. Under circumstances of the greatest difficulty, and in a most painful inquiry, that hon. Gentleman, acting as their Chairman, had given his most careful attention to the conduct of business. He must protest against the fairness of the conclusion drawn by the hon. Under Secretary for the Colonies, that because only the two hon. Members for Ashton-under-Lyne and West Surrey got up and spoke on the question, those silent necessarily concurred in their opinions. He considered that it was unworthy of the hon. Gentleman to have said so.

MR. HILDYARD said, he trusted that the hon. Gentleman the Under Secretary for the Colonies had not finally announced to the House the intention of Her Majesty's Government. It was impossible the case could rest here. The question now was, not respecting the simple appointment of a Puisne Judge in the Colony of Victoria, but whether the House was sincere or not in its constant professions that it would endeavour to do away with bribery and corruption? He put it to the common sense of any Member, what would be thought of them all, and thought rightly too, if they, Session after Session, made announcements of their determination to put an end to corrupt practices, when it was announced in the journals that the Government meant to maintain in his place a Puisne Judge who had been by a Committee of that House convicted of bribery? He did trust that the hon. Gentleman had spoken somewhat hastily for himself and the noble Duke at the head of his department when he announced such to be their intention. What sort of reasoning was it to tell them that because hon. Members did not speak on the matter they concurred in what the other Gentlemen who formed the Committee had said. No one doubted the truth of the accusation against Mr. Stonor, not even the hon. Gentleman the Member for Dundalk (Mr. Bowyer), who had most injudiciously stated the case of his friend. Not only, in his opinion, had he admitted it, but shown that Mr. Stonor was knowingly guilty of corrupt conduct, because he said, "I can't now mention the matter to Mr. Towneley, but if you do what I ask you I will see what can be done after the election." He knew perfectly well the peril of what he was about, and had recourse to the usual subterfuge of persons engaged in such practices. He for one, as a Member of the House of Commons, most earnestly hoped that the Government did not mean to persist in this course, and if they did he trusted some Member would give the House an opportunity of expressing their opinion of such conduct.

Mr. BOWYER, in explanation, said, that the hon. Gentleman who had just sat down stated that he had admitted the guilt of Mr. Stonor. He did not do so; he stated the case to the House as it was. The hon. Gentleman said that he had stated that the letter promised a sum of money if a voter would do or not do something. He did not say so; he said, that the letter to a friend of the voter stated that after all was over he (Mr. Stonor) would do what he could for him.

Mr. VINCENT SCULLY said, he wished to refer the House to what occurred on the adjourned debate on the Sligo writ last year. On that occasion the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) said that the character of Mr. Stonor had been hardly dealt with, and that there was no evidence against him except a letter which had not been printed. The hon. Member for West Surrey (Mr. Evelyn), one of the Members of the Committee, said there was nothing to inculpate Mr. Stonor. He (Mr. Scully) stated that he had read every syllable of the evidence, and that there was not a particle to maintain the finding of the Committee. The hon. Member for Ashton-under-Lyne (Mr. Hindley), also a Member of the Committee, said that great injustice had been done Mr. Stonor—that he entirely acquitted Mr. Stonor of any improper conduct. If there really did exist any charge against Mr. Stonor, it ought to have been preferred at that time by the hon. Member for Mayo (Mr. G. H. Moore), who was present during the discussion.

Subject dropped.

THE BALTIC TRADE—POSTAL ARRANGEMENTS WITH AUSTRALIA—QUESTION.

Viscount JOCELYN said, that he wished to put two questions to the Government—the first related to the present state of the Baltic trade and the intentions of Her Majesty's Government with respect to that trade. Since he had come into the House he had received a communication from the Secretary of the Treasury informing him that he would not be able to answer the question to-day. He (Lord Jocelyn) thought that the question was one which ought to be answered without delay, for many of his constituents were much alarmed, owing to Government not having made the statement promised a short time ago by the First Lord of the Admiralty, in reply to the right hon. Member for Manchester (Mr. M. Gibson) in reference to neutrals. As he understood, however, that the right hon. Gentleman intended to bring the question forward, he (Lord Jocelyn) would be content to leave the question in his hands. The second question which he wished to ask was this. He wished to ask the right hon. Chancellor of the Exchequer what arrangements had been made with the Royal Screw Steam-packet Company for the transmission of the mails to Australia; and whether such arrangements were to be considered as the principle upon which the colonial postal service would be conducted in future as opportunities occurred? He might be permitted to state, as Chairman of the Committee which last year investigated this subject, that their inquiries had led them to believe that the large sums of money which were given for these postal services had tended to create monopolies in the hands of particular compânies.

The CHANCELLOR of the EXCHEQUER said, that, with respect to the question put by his noble Friend as to the arrangements which had been entered into with the Screw Steam-packet Company to Australia, he wished to state that the Government had adopted a plan different from that which had hitherto been the usual mode of proceeding; and in the course of a short time he hoped the papers connected with the transaction would be in such a state that they might be laid upon the table of the House, and they would explain to the House, more clearly than any answer he could give, the nature of the arrangements which had been adopted, and the ground of those arrangements. But he might shortly state that the principle of the arrangement was this—that 4*d.* would be charged as the sea postage, under the new plan of Her Majesty's Postmaster General, between this country and Australia; that the 4*d.* so charged would be divided between the Government and the company carrying the letters, and the company might be said to take their chance of the remuneration out of their proportion of the postage. The principle of doing the work would, therefore, be entirely changed, and instead of being paid for at a fixed rate by the Exchequer, it would be paid according to the amount of postal service done, and the amount of accommodation afforded. Out of the 4*d.* charged for the sea postage, the company would receive 3*d.* and the Government 1*d.* The entire sum charged would be 6*d.* There was a provision in the arrangement, that when the income or receipts of the company from the postage so calculated should arrive at a certain point, the company might be required by the Postmaster General to put on an increased number of steamers for the purpose of giving increased facilities of communication; and he would be at liberty to send letters to Australia by other than ships of the company, provided they were specially marked by the writers to be so sent. These were the principal points in the arrangement as it at present stood. With regard to the question whether this was the commencement of an improved system, and whether this was to be taken as an indication of the principle on which Her Majesty's Government would hereafter endeavour to make such arrangements, he wished to say that the general views of the Government on the subject of postal communication coincided with those of the Committee appointed last year to investigate the question. The conclusion to which the Committee came had been generally adopted by the Government. It followed, therefore, that as opportunities occurred the Government hoped and would endeavour to effect very material improvements in the position, both of Her Majesty's Government and the public, in reference to the performance of that service.

SALE OF RUSSIAN SHIPS OF WAR—QUESTION.

SIR GEORGE PECHELL said, he wished to put a question to the noble Lord the Member for the City of London with respect to a report which had appeared in the public papers a few days ago. It appeared that accounts had been received from the port of Trieste that three Russian frigates, which might have gone out amongst our merchantmen, had either been hauled out of the way or sold, and the crews permitted to go through the Austrian territories, to meet, perhaps, his gallant Friend, Admiral Napier, in the Baltic. This showed what the Russians intended to do with the ships. If they intended to sell them, and to transport their crews overland to other places, this would give the people of this country some idea of the mode in which Russia intended to carry on the war. He wished to ask the noble Lord whether the Government had received any information on the subject?

LORD JOHN RUSSELL: According to the information received by the Government, three Russian corvettes of war had been at Trieste, two of them had been taken into the inner harbour at Trieste, where they had been disarmed and sold, and the third, it was understood, had proceeded to another harbour to be sold.

RIGHTS OF NEUTRALS—QUESTION.

MR. MITCHELL said, he hoped that the Government would shortly state their intentions as to the course they mean to take with respect to neutrals. It was the more incumbent upon them to do so, because the trading and commercial classes in this country were naturally most anxious on the subject, and because the statement made the other night by the hon. Secretary of the Treasury appeared to be entirely irreconcilable with the document which had been issued by the noble Lord the Secretary of State for Foreign Affairs. A very large proportion of the mercantile community, he believed, were making preparations to send goods by land from Russia through Prussia, with a view of avoiding the blockade. Under these circumstances, he hoped that an explanation would be given by the Government.

SIR CHARLES WOOD said, that this was a subject of the greatest importance, and one which called for the most careful consideration of the Government. He could assure the hon. Member that the subject had occupied the consideration of the Government for some time, and they would be prepared at the earliest possible moment, consistently with their public duty, to state to the House and the public the course which they intended to pursue.

MR. MILNER GIBSON said, he would take the liberty of stating, that a public declaration had already been made, in the shape of a despatch from the noble Earl at the head of the Foreign Department of the country to the Consul at Riga, and the earliest opportunity ought to be taken to inform the commercial world what course the Government intended to pursue. He hoped they were not to consider the despatch of Lord Clarendon as the rule that was to be adopted in the Baltic, because, not only would it be calculated to create collision with friendly Powers and neutrals—not only would it have no effect in bringing the war to a close, but it would rather, on the contrary, have the effect of prolonging it. He was sorry the Government had not long since informed the world of the course they intended to adopt in reference to the ships of friendly nations, and the ships of British subjects; because if this information should only be given when the ice broke up in the Baltic, and when merchants had already made arrangements in ignorance of what the Government intended to do, many persons might fairly complain that they had been taken by surprise and robbed of property which they would think themselves justly entitled to retain. The Government must have foreseen long ago, that if war was in the distance the most important of all questions was this—how are we to deal with the vessels of friendly nations and the rights of neutrals. That question, of all others, presented itself in the most pressing form in the coming hostilities, and unless it should be dealt with in a different spirit from that which was manifested in former times, it might bring this country into a collision with the United States of America. If the despatch of Lord Clarendon, which was no doubt sound public law, was to be acted upon, what course should we take? Why this—that every American packet, every American merchant ship, upon the surface of the seas would be boarded by British cruisers—that our officers would go on board American ships and rummage their cargoes, to see if they could find some bale or package in which there might be, directly or indirectly, a Russian interest; and should such a discovery be made, the ship would have to be carried into some port and be condemned by some Admiralty Court. He was in hopes that the sounder policy would be adopted—that free ships would make free goods—and that the country would be spared the risk of being brought into collision with friendly Powers. He was sorry to have to trespass on the attention of the House at such an inopportune moment, but he had felt it necessary to do so in consequence of the remarks of the right hon. President of the Board of Control, because public declarations had already been made in that House inconsistent with what had been made in the despatches, and they were of a character calculated to mislead the commercial world.

Mr. J. WILSON said, that he wished to correct a mis-statement of what he said on Friday night, which had appeared in several of the public papers. The question put to him had nothing to do with imports to or exports from Russia. It was solely a commercial question, which had been decided by the Treasury, having reference to Russian produce imported by a neutral Power, in a neutral ship, the property of neutral subjects. He was sorry that his observations had been misreported in several of the papers, whilst in others they had been correctly given. The question put to him was to this effect:—If Russian produce were shipped in a Russian port on board a Prussian or other neutral vessel, would such produce be held sacred or liable to seizure? This was entirely different from questions which might arise with respect to direct trade to Russia.

Subject dropped.

THE CONFIDENTIAL COMMUNICATIONS WITH RUSSIA—QUESTION.

Mr. DISRAELI: Sir, I wish to make an inquiry of Her Majesty's Ministers respecting some account of their conduct which has recently appeared in two newspapers. One of these journals is published at St. Petersburg; the other is published in London. The first journal is called the *Journal of St. Petersburg*, and the other journal is the *Times* newspaper. In a number of the *Journal of St. Petersburg* very recently published there is a statement that about this time last year, or even at an earlier date, communications took place between Her Majesty's Government and the Government of Russia, of a very confidential character, in which, according to the allegations in the *Journal of St. Petersburg*, the most frank and unreserved declaration was made by the Emperor of Russia of his views present and future with respect to the condition of the Turkish empire. I need not remind the House that any statement made in the *Journal of St. Petersburg* is always considered an authoritative and official statement. Sir, on Saturday last an article appeared—a leading article—in the English newspaper, the *Times*, and I believe I have a right to assume that that also was an authoritative and official statement, because it referred to circumstances which could only be known not merely to men who were privy councillors, but only to privy councillors who were Cabinet Ministers. In that leading article of Saturday last, in the *Times*, there is a notice of this statement in the *Journal of St. Petersburg*, namely, that in the early part of last year there was a lengthened correspondence between the Russian Government and Her Majesty's

Government, in which frank and unreserved expositions of the sentiments and views of the Emperor of Russia, with regard to the state of the Turkish empire, was made. In the *Times* newspaper the authenticity of that statement is unequivocally admitted. It is not only admitted, but allusions are made to public despatches written by the then Secretary of State for Foreign Affairs, the noble Lord opposite, in reply to those communications from St. Petersburg. More than that. In this authoritative and official article in the *Times* newspaper there is a reference to certain communications upon the same subject, namely, the condition of the Turkish empire, which occurred between Her Majesty's Government and the Emperor of Russia personally during his visit to this country in the year 1844, connecting these communications of the year 1844, in similarity of nature and identity of subject, with the correspondence referred to at the present moment in the *Journal of St. Petersburg.* The inquiry which I wish to make of Her Majesty's Government is this—whether they are prepared to lay upon the table of the House the correspondence which took place at the beginning of last year, and which does not appear among the papers which Her Majesty has graciously permitted us to see —this correspondence referred to in the *Journal of St. Petersburg,* and acknowledged in the *Times* as authentic? Further, I wish to inquire of the noble Lord if he can inform the House whether there was in the year 1844 any arrangement or understanding between Her Majesty's Government and the Emperor of Russia when he was in this country — reminding the House that the distinguished individual who is now Prime Minister of England was then Secretary of State for Foreign Affairs — whether, if there were such understanding or arrangement, it was reduced to writing, and if reduced to writing, whether the noble Lord is prepared also to lay that document on the table of the House, if he be also prepared to lay on the table the correspondence to which I have referred.

LORD JOHN RUSSELL: Sir, with respect to the two articles in the newspapers, to which the right hon. Gentleman has referred, I have to answer, that I saw on Saturday the article in the *Journal of St. Petersburg,* to which he has alluded, containing the allegations which he has stated to the House. With regard to another article, which he attributes likewise to an official source, I did not see that article, nor any part of it, until I saw some extracts from it in a newspaper to-day; and I did not know, until the right hon. Gentleman mentioned it just now, that that article referred to a memorandum drawn up in 1844.

MR. DISRAELI: I did not say memorandum; I said communications.

LORD JOHN RUSSELL: Well, then, communications. Sir, so far as I am concerned, I have given no authority whatever to the *Times* newspaper to state what was my conduct when I held the office of Secretary of State for Foreign Affairs. Now, with respect to the circumstances which did occur. It is the usual practice, I believe—it certainly has been the usual practice, so long as I have known anything of public affairs—not to lay before Parliament any communications which took place between Her Majesty's Ambassadors and Ministers abroad, and the Sovereign to whom they are accredited. It has always been the practice to consider these conversations of so confidential a nature as that they should not be laid before Parliament. Now, it is perfectly true, that, in the course of last year, the Emperor of Russia held a confidential communication with Sir Hamilton Seymour, with respect to the condition of the Turkish empire. That communication reached this country in the shape of a despatch from Sir Hamilton Seymour, and it was my duty as Secretary of State for Foreign Affairs to lay before the Cabinet a despatch in answer to that communication, which despatch was afterwards forwarded to St. Petersburg. Some further communications took place, and my noble Friend Lord Clarendon answered the next despatch of Sir Hamilton Seymour upon the subject. I have stated what I think is the usual practice, and what I think is the just rule on the subject, that such communications should not be laid before Parliament, because it is obvious that if they were laid before Parliament they might lead to dangerous consequences. But as the *Journal of St. Petersburg,* permitted and authorised, no doubt, by the Government of Russia, has alluded to these confidential communications, Her Majesty's Government can no longer have any scruple in laying all the correspondence upon the table of the House. I trust that that correspondence will show that, while we evinced every respect for the Emperor of Russia, we repelled every suggestion which would tend to the dismemberment of Turkey. With respect to the further question which the right hon. Gentleman asks, namely, as to the conversation that took place in 1844, it is certainly true that, when the Emperor of Russia was in this country in that year, he held a conversation, I believe, with the Duke of Wellington, with Sir Robert Peel, and with the Earl of Aberdeen, then Secretary of State for Foreign Affairs. I believe the substance of that conversation was consigned to a memorandum, and that the late Minister of Russia in this country, Baron Brunnow, was cognisant of and assented to the correctness of that memorandum of the conversation. With respect to that memorandum, I am not able to give so positive an answer relative to the production of it as I have given to the other question of the right hon. Gentleman. That memorandum has not been lately under the view of the Members of Her Majesty's Government, and therefore I wish to reserve my answer on that point. But with respect to the correspondence to which I have before alluded, namely, the correspondence which took place in the course of last year, I have no hesitation in laying it upon the table of the House.

NEWSPAPER STAMP PROSECUTIONS—QUESTION.

Mr. LUCAS said, he rose to repeat a question which he had put to the right hon. Gentleman the Chancellor of the Ex-Exchequer on a previous occasion, as to whether it was the intention of the Government to take any further proceedings against Mr. Shaw, of the *Dublin Commercial Journal*, for publishing a penny periodical unstamped? When he asked this question before, the right hon. Gentleman gave him an answer which he (Mr. Lucas) believed was founded upon a misapprehension of the facts. The right hon. Gentleman, in contradiction of a statement made by him (Mr. Lucas), then stated that the verdict of the jury was, as he was informed, in opposition to the charge of the Judge. Since then, he (Mr. Lucas) had seen a shorthand writer's notes of the charge, and he was of opinion, as were also some gentlemen whom he had consulted, that the verdict of the jury was in strict accordance with the charge. He now wished to ask the Chancellor of the Exchequer whether he still retained the opinion he had before expressed, and, if he did not retain that opinion, whether it was the intention of the Crown to direct successive prosecutions until a verdict in accordance with its wishes could be obtained from a Dublin jury?

The CHANCELLOR OF THE EXCHEQUER said, that he had not referred to the charge of the Judge since the last occasion on which the question was put. He was not personally cognisant of the proceedings on the trial, but it would be most surprising to him, if the authority from whom he obtained his information should prove to have been in error. At the same time, he was not aware that the conduct of the Government would of absolute necessity depend upon the fact to which the hon. Gentleman had referred. The hon. Gentleman had asked whether it was the intention of the Government to raise successive suits until they got a verdict in their favour. He (the Chancellor of the Exchequer) had never said anything which would imply that the Government had any such intention. The Government had acted in compliance with the advice of their legal officers, under whose consideration this matter now was; and it was impossible for him to announce anything as to their future intentions until he had learned what was the advice given them by these functionaries.

GREEK INSURRECTION IN TURKEY.

On the Motion that the House should resolve itself into a Committee of Ways and Means,

Mr. MONCKTON MILNES said, he rose, pursuant to notice, to call the attention of the House to the circumstances of the Greek insurrection in Turkey, and to move that the circular-despatch of Sir Henry Ward to the residents in the Ionian Islands be laid on the table. The House had read the singular manifesto issued by the Emperor of Russia with reference to the war which was now imminent, declaring that the two Christian Powers of France and England were about to take up the cause of the Infidel against Christian Powers and the cause of Christianity. That assertion had already been discussed in another place—discussed very ably, and, he thought, very sufficiently. It was not his intention, therefore, to call the attention of the House to that part of the subject, because he did not believe there was any body of persons in this country who were inclined to attach much importance to the Christianity of the Emperor of Russia. He did not believe there was any portion of the inhabitants of this country who thought the injury done at all affected by the question that one of the two Powers originally engaged in this dispute was Christian, and the other a Mahomedan Power, except that it might have occurred to some that the profession of Christianity generally carried along with it certain duties and responsibilities, and that the Power which neglected those duties and responsibilities sacrilegiously profaned the religion which it pretended to represent. But when the question arose of the relation of the Turkish Government with their own Christian subjects, he felt that we were called upon to solve a very different and far more difficult problem. It was very natural to expect that, when the Emperor of Russia made a religious basis the foundation of the hostilities with which we were unhappily threatened, when he stated that he occupied the Principalities as a material guarantee for the rights and the freedom of the Christian subjects of the Porte—it was, he said, natural to expect that, under these circumstances, that cause would command considerable sympathy among those Turkish subjects; and, aided, as such a cause was sure to be, by money and arms, it might have been expected that the Christian subjects of the Porte would in many places have risen and supported the claims of the Emperor of Russia. He (Mr. M. Milnes) owned it was very much his opinion that such would have been the case, but it seemed not to be so. These anticipations had not been verified, for it appeared that the greater portion of the Christian subjects of the Porte had reasonably judged that they would not do well to exchange the yoke of their present masters, with all its abuses and ill effects, for the sake of imposing upon themselves a distant and alien authority, which combined all the principles of the most stringent and ancient despotism with all the appliances and ingenuity of modern civilisation—a Power which, in the very act of professing to liberate the Greek religion, desired to establish itself in an autocratic popedom, exercising an infallible authority over a religion which might at present be considered independent. Unfortunately, however, in some portions of the territory of the Ottoman Porte an insurrection had broken out, which, though at the present moment, perhaps, not very important, yet threatened to become of a very dangerous character. This insurrection was at present confined to the portion of the Ottoman territory which almost adjoined the kingdom of Greece. The cause of that insurrection did not lie very much below the surface. The House had nothing to do but to consult certain despatches which had been laid upon the table, to find quite sufficient cause for such an insurrection, even without the occurrences of the present moment which might seem to encourage it. It was some months ago that the English Consul at Janina, under date June 10, wrote to Lord Stratford de Redcliffe in these terms:—

> "After orders had been issued for the withdrawal of the troops, the Porte thought it requisite to submit to the Council the representations made by the inhabitants, concerning the danger which they considered themselves exposed to by the withdrawal of the regular troops. Taking into consideration the circumstances of the country and the character of the Albanians, who would most likely fall back into their old habits, the measure of not leaving the country altogether unfurnished with regular troops is a very desirable one."

To those hon. Members who had not been in the East, it might be necessary to explain what these Albanian troops were. Imagine our English militia to consist of every ruffian and dare-devil scoundrel who chose to enrol himself in the ranks, and let these men be let loose, with letters of marque, over the country; and the House would see then how dangerous it was that the regular troops should be altogether withdrawn, and that these Albanian soldiers should be allowed to perpetrate acts of cruelty and injustice unrestrained over the country. In a letter from our Consul at Prevesa, dated June 2, 1853, it was stated that—

> "The frontier districts of Thessaly and Epirus appear likely to raise considerable embarrassment to the Government, in the event of pending negotiations assuming a less pacific character. The rural population, oppressed by fiscal exactions, and subjected to intolerable acts of violence and injustice, cannot be expected to entertain any but the most rancorous feelings towards their persecutors. The inhabitants of the greater part of these villages being, moreover, exclusively Christians, and seeing no other prospects of relief open to them, are continually thronging the foreign consulates with the view of seeking some friendly intervention. After thus depicting to your Lordship the disastrous condition of these frontier districts, from various causes, it may be readily conceived that for some time past the emigration of whole families to Greece, which can only be accomplished by stealth, has been practised to a considerable extent, and that parties so circumstanced, together with the whole body of Suliots

> and other Epirotes domiciled in Greece, will be eager to avail themselves of the first favourable occasion of promoting disturbance in this province."

To that letter Lord Clarendon replied:—

> "It is with extreme disappointment and pain that I observe the continuance of evils which affect so deeply the welfare of the empire, and which assume a deeper character of importance in the present critical state of the Porte's relations with Russia."

Again, Lord Stratford, on the 4th of July, wrote:—

> "I have frequently had occasion of late, and indeed for some years back, to bring to the knowledge of the Porte such atrocious instances of cruelty, rapine, and murder, as I have found, with extreme concern, in the Consular Reports, exhibiting generally the disturbed and misgoverned condition of many parts of Roumelia, and calling loudly for redress from the Imperial Government. I will not say that my friendly and earnest representations have been entirely disregarded; but the evil has not been permanently removed, and the effect of every partial check has been of short duration. . . . Such is the magnitude of the evil, and such the danger of its extension under present circumstances, that the necessity of checking its progress and restoring some degree of confidence among the tributary classes is scarcely subordinate to the duty of preparing the means of resistance against an invading foreign army."

He would just read to the House one extract more from a despatch of Lord Clarendon, dated July 28, 1853. That despatch stated that—

> "The Turkish Government is so little mindful of its interest not to offend Christian Powers at this moment, or so powerless to enforce its own orders, that your Excellency was compelled, on the 22nd ultimo, and again on the 4th, to address to the Porte an energetic remonstrance against the rapine, the exactions, and the cruelties to which its Christian subjects were exposed."

He had not read those despatches with the view of exaggerating the effects of their contents, but because he felt bound to admit that the general conduct of the Christian subjects of the Porte had been more loyal, and had evinced a more just appreciation of the efforts which had been made in their behalf, and of the circumstances of the moment, than could have been expected. He thought that the documents to which he had referred showed that the insurrection among the Christian subjects of the Porte was by no means a mere casual outbreak, but that, on the contrary, it had its real basis in injustice which had been perpetrated, a point which, in considering the insurrection and the mode of dealing with it, must be kept in view. Again, the particular locality in which the insurrection has broken out made it doubly interesting to us. Not only was it in Greece, but it was within a short distance of the Ionian Islands, the people of which deeply sympathised with those of Greece; and by their sympathy it was likely, if this insurrection made much progress, we should ourselves be considerably inconvenienced. He was very well aware of what small importance the name of Greece was in this country, and that not only was owing to the inefficiency of the Government of that country, and to the fact of their having derived small advantage from their independence, but also to the fact that they had appeared in a character which the British people find it difficult to forgive, for they had not only, like Spain and some of the United States, not paid their debts, but we had been compelled in part to pay those debts ourselves. The information with regard to the progress of the insurrection he could only obtain from one source—from the communications of the correspondents of the daily newspaper press, and from one of those communications it appeared that the insurrection was assuming a dangerous character, and was extending to the northern ports. It was also stated that—

> "The coast of Albania is declared in a state of blockade, and the Viceroy of Egypt has been requested to send into the Adriatic the squadron which he intended for Constantinople. A council was held at Janina, at the express request of the French Consul, M. Bertrand. He mentioned that the Greeks had been driven to insurrection by the Albanian mercenaries, in the pay of Suleyman Bey. No attention had been paid to the representations of the vicious system of the Dervend Aga, the Turkish military chief of the frontier. The council determined that the inhabitants of Radowitzi and Lacca should be invited to send commissioners to Janina, and that their safety should be guaranteed by the council and the French Consul; that Suleyman Bey should be instantly dismissed, or, at least, prevented from making any fresh aggression. The Deftendar Effendi, the next day, refused to sign this till intelligence was received from Arta, and the arrival of the nephew of Suleyman. A French dragoman has been sent out to the spot, to make inquiries and report."

It appeared, therefore, that the agent of the French Government had exhibited a degree of vigilance deserving of the highest credit. In his opinion, the position which this country held with regard to the Ionian Islands rendered it of the utmost importance that mediation or some other means should be found for limiting, and, if possible, of putting an end to this great evil. He had read in the public prints that the Egyptian fleet had been ordered to the coast of Albania. Now, perhaps, some hon. Members might remember what was the behaviour of an Egyptian army in the Morea —what scenes of savage cruelty were enacted; and, in his belief, similar scenes would occur if that army were allowed to enter Albania at the present moment. He earnestly hoped that Her Majesty's Government would interfere imperatively to prevent such an occurrence. He thought that it would be very advisable that a British Commissioner should be sent, either from here or from the Ionian Islands, with authority from Her Majesty's Government to communicate with the insurgents upon the real state of their present position. The people of this country and Parliament were thankful for the assurances of the Earl of Clarendon in another place, and of the noble Lord the Member for the City of London (Lord J. Russell) in that House, that it was the intention of the Government to do all in their power to protect and improve the condition of the Christian subjects of the Porte; but those intentions were not known to the Greek subjects of the Sultan themselves, and a British Commissioner might effect very considerable advantage, and, at the same time, might point out the unfitness of the present moment for commencing a rebellion. Such a Commissioner, pointing, on the side, to the present condition of Poland and of Circassia, and, on the other side, to the former condition of the Danubian Principalities, might hold out to the insurgent subjects of the Porte good reasons for them to abandon their present position of hostility, in the hope that, under the protection of the Western Powers, they might ere long obtain a position of comparative independence. He might be told that on these matters we ought to trust to the independent action of the Turkish Government, but he thought that this was a fair case for the interference of the four great Powers. He believed that the point which brought the question so fully home to the minds of the people of this country, and which prepared them to undergo the sacrifices of war, was the belief that the result of these transactions would be the improvement of the condition of the Christian subjects of the Porte. The maintenance of power in Turkey was only possible under the condition of the social and political advancement of the Christian races. He felt extremely anxious on this subject, not only on account of the Greeks themselves, but because the possible complication of circumstances might place this country in the painful position of appearing to insist upon checking the liberties of the Christian subjects of the Porte. He could not erase from his mind, even at a moment when he wished to regard France with the utmost favour, and to look upon that country as a loyal and firm ally, an event in the history of that country which still darkened the French name throughout the Italian peninsula, and to which no pretence of the enthusiasm of a religious spirit could reconcile the minds of the English people —he alluded to the siege and capture of Rome under a pretence of political necessity. He could not believe that any English Government would ever commit a similar act; but he foresaw that, in the complication of these hostilities, it was possible that they might appear as accomplices in assisting, by forcible means, in the suppression of an attempt to obtain what was only just and right. He had read that the Governments of France and England had come to an understanding for the forcible suppression of the popular movement in Turkey; but he trusted that there was no foundation for such a statement. He trusted that there was no foundation for saying that England would be an accomplice in such interference. If the equilibrium of Europe demanded this sacrifice, he believed that the people of England would not make it. He believed that the people of England thought that the task which they had committed to the hands of the Government was not only that of checking the impulses of unruly ambition, preserving the balance of power, and restoring the peace of Europe, but was also that of making war the instrument of civilisation, and of defending—even by arms—the moral and intellectual welfare of the world. He implored the Government to meet this insurrection in a spirit of kindness and mediation; and he could assure them that, if they permitted it to be surrounded with circumstances of great cruelty and unrestrained violence, if they permitted the Egyptian fleet to land its army upon these shores, the cause which they had most at heart would be seriously injured. He hoped that the Government would not forget that, however important might be the exigencies of the political situation of Europe, there were also principles, duties, and rights, which could not be violated without disturbing the foundation on which the law of nations rested, and a due regard to which was essential to the establishment of any permanent peace.

Lord JOHN RUSSELL: I have no difficulty, Sir, in saying, that I agree very much in the opinions of my hon. Friend who has addressed the House. I agree with him in thinking that it is our duty to do all that is in our power to improve the condition of the Christian subjects of the Porte, and influencing its conduct as far as we can; for it is impossible not to assent to what my hon. Friend stated in the early part of his speech, that, notwithstanding the most liberal edicts on the part of the Sultan, and the greatest anxiety on the part of his Ministers to carry into effect the laws with equal justice to all his subjects, there are, by means sometimes of ignorant and corrupt persons, but more frequently by means of a licentious soldiery, great evils inflicted upon the subjects of the Sultan, of which neither he nor his Ministers could approve. The advice that has been at all times given to the Sultan by Lord Stratford de Redcliffe has tended very much to mitigate the evil; and only very lately he advised the Sultan, upon the breaking out of this insurrection, that none but regular and well-disciplined troops should be employed for its suppression. My hon. Friend is also quite right in saying that part of this insurrection—I believe the greater part—was owing to the conduct of the soldiery who were sent to put down insurrectionary movements; but, Sir, at the same time we think it our duty to discourage as much as possible these movements. We cannot believe that an insurrection among the Christian subjects of the Porte would tend to improve their condition, or lead to any other result than to place them in a far worse and more helpless state of slavery than any to which they have hitherto been reduced. It has been so fully stated by a noble Friend of mine (Lord Shaftesbury) in another place, that I have no need to prove what would be the effect of these persons, owing to their insurrection, becoming subject to Russia, and I certainly shall not go into that part of the question. Every one is aware that the light of the Gospel, which I believe is permitted by the Sultan and his Ministers to penetrate through all classes of Christians who are under his sway, is entirely opposed to insurrections. This insurrection can tend to no advantage to these tribes; but, on the contrary, can only divert the forces of the Porte when it is in jeopardy from a foreign antagonist. My hon. Friend may rest assured that every effort will be made by Her Majesty's Government to induce the Sultan to improve the condition of all his Christian subjects, and to allow the maxims of justice and equality full force throughout his dominions; but, on the other hand, we shall show the disapprobation of the Government of this country of any insurrectionary movements against the Sultan. With respect to the papers for which my hon. Friend has moved, I believe they are not yet ready at the Colonial Office; but there will be no difficulty in producing them before long. I have nothing further to say, except that there was an allusion in the hon. Gentleman's speech which perhaps I ought to notice; namely, that we ought not to be a party to any agreement or arrangement for suppressing political movements in Italy. I say distinctly with regard to Italy what I have just said with regard to Greece, that, feeling as I do, with the people of Italy, I do not believe they could take a course more obstructive of the attainment of the very result which they desire, than that of rising at the present moment against the Austrian Government. I believe, on the contrary, that if they remain tranquil, the time will come when that Government will be not only more humane, but will concede many more popular privileges than would be the case if Italy were to rise in insurrection against the military forces of Austria.

Mr. RICH said, he begged to offer his thanks to the hon. Member for Pontefract (Mr. M. Milnes) for having brought this subject forward, but, at the same time, he must regret that the noble Lord the Member for the City of London had not given more distinct assurances with respect to the conduct of Government in relation to the Christian population of Turkey. The anomalous position in which those populations now stood was the result of the grinding, exclusive, and tyrannical system under which they had been governed. For the last 400 years, he believed, no people in the world had suffered such continuous and unmitigated persecution and tyranny as the Christian portion of the Turkish empire. In European Turkey the Christians were as three to one to the Turks, the habits of the latter and their addiction to war having prevented any great increase of their numbers. The consequence was, that the Turks, knowing that they stood in the face of an oppressed majority ready to rise against them whenever an opportunity were afforded, were led by the vicious circle of tyranny and wrong into further acts of oppression and tyranny in order to keep them down. An enlightened nation would have prevented the continuance of such a state of things by removing the causes which produced them. He was ready to admit that all the rulers of Turkey had not acted with equal injustice and oppression. The late Sultan Mahmoud, one of the most ferocious tyrants who had ever disgraced the throne, saturated the country with blood, but he (Mr. Rich) was willing to believe that the present Sultan was animated by a different spirit. The hon. Member for Pontefract had described insurrections springing up wherever the pressure of the irregular forces was withdrawn; and though he (Mr. Rich) agreed that such insurrections were to be deplored at the present moment, and that Her Majesty's Government should use every persuasion to induce the population to refrain from them, yet in that House the sympathies of hon. Members would ever be with the oppressed, whose struggles for freedom and equal laws must meet with a response in this country. Whatever the chances or exigencies of war might be, it was a duty of this country never to forget the claims of justice. He would grant that measures of reform had been attempted by the Porte, under the advice of the English and French Ministers, but how little credit was as yet given to them might be discerned in the insurrectionary movements which were daily taking place. He attached great value to the suggestion of his hon. Friend (Mr. Milnes) that some experienced Commissioner should be sent to those disturbed districts to allay disaffection by explaining the views and intentions of the British and of the Turkish Governments. He believed the adoption of such a course would have a most beneficial effect, and counteract many misconceptions which Russian or other agencies might foment. He was not at all desirous of drawing up a bill of indictment against the Turks, but when this country and the rest of Europe were about to be involved in a war, the end of which no man could foresee—when our best troops were away in the East, and our fleets occupying the Baltic and the Euxine, it became the right of the people of this country to know upon what terms and in what manner they were about to be engaged. If the forces of England and France were necessary to aid the Turks in their struggle against a most unjust aggression of Russia, he contended that England and France had a reciprocal right to demand an undertaking from Turkey with regard to the amelioration of the condition of her own Christian subjects, not from a spirit of interference, but from a wise precaution for the successful issue of this war, and to prevent future wars. The question was, whether there was to be a hostile or a favourable population in the seat of war? Unless stipulations were made that the Christian subjects of Turkey should receive full justice, it was quite clear, for it was both natural and just, that those subjects would be discontented and ripe for revolt, and that, in the war upon which we were about to enter, our forces would be in the midst of a hostile people, by whom our communications and supplies would be intercepted or checked, and our movements revealed to the enemy. But, independently of these considerations, supposing we drove the Russians across the Pruth, from the Crimea, and from the Caucasus — supposing the cannon in the Baltic were re-echoed to by the cannon from Sebastopol, no permanent good would be effected unless an amelioration of the condition of the Christian population of Turkey were secured. On the contrary, the Turks would only have become still more arrogant and inspirited by success, while the Christians would be still more disheartened and embittered against their rulers. Possibly the power of Russia might be paralysed, but some new Power would be found to step in, and the whole work would have to be repeated again. For these reasons he felt most anxious that Her Majesty's Ministers should declare distinctly that our interference in defence of Turkey necessarily involved also considerations for the whole mass of its populations. The only possible means by which Turkey could be placed in a satisfactory condition was by putting her Government upon a broad and comprehensive basis, by enlisting the good-will of all classes of her subjects, and by converting their uncertain claims into well-secured rights. When those rights were ascertained, arms might be safely put into hands to defend them, and the common dangers and triumphs of national defence would rapidly do the work of years in annealing together the Turk and the Christian. With these views, he wished to elicit from Her Majesty's Ministers a declaration that they would keep a steady and watchful eye on the claims and rights of the Christian population of Turkey, and not allow British soldiers in any way to be employed in coercing these races, who were seeking to escape from thraldom, but who, from misguided impulse, were not resorting to the wisest means of achieving their object. The Sultan himself, no doubt, sincerely desired to treat his Christian subjects in an equitable spirit, and would view with approbation rather than otherwise any prudent measures for curbing the fanatical intolerance of his Mahomedan subjects.

LORD LOVAINE said, he thought some distinct understanding should be come to as to the policy to be pursued with regard to the Greek insurrection. He had heard much said about the battle, or, as some called it, the massacre of Sinope, and, though he did not doubt that great cruelty might have been committed, he thought some considerable portion of it might have been caused by the zeal of a national fanaticism. But, at the same time, it must be remembered that when the Russians attacked the Turkish fleet in the bay of Sinope they were in a far better position, according to the usages of war, than we were when we sunk at their anchors, at Navarino, the whole of the Turkish fleet at a time of profound peace, and when we called ourselves the allies of Turkey. With respect to the insurrectionary movements now taking place against the Government of the Turks, he confessed he could not but feel astonished when he heard Gentlemen in that House talking of the possibility of the Greeks looking upon the Turks as anything but their natural enemies. He wished the House to recollect the massacre at Scio and the excesses that had broken out wherever the Turkish Government had been weak; and upon this part of the subject he considered that the hon. Gentleman the Member for the West Riding (Mr. Cobden) had forestalled them all in the clear and able manner in which he had laid before the House the position of the Christians in the Turkish empire. The hon. Gentleman opposite, the Member for Aylesbury (Mr. Layard), had been good enough to warn the House not to look upon any of the statements contained in the books of which he was the author as showing the state of things that sometimes occurred under the Turkish rule. But, in referring to the condition of the Christians shortly after an invasion upon the part of the Kurds, the hon. Gentleman thus described it:—

> "Their church was in ruins—around were the charred remains of the burnt cottages, and the neglected orchards overgrown with weeds. A body of Turkish troops had lately visited the village, and had destroyed the little that had been restored since the Kurdish invasion. The same taxes had been collected three times, and even four times over. The relations of those who had run away to escape from these exactions had been compelled to pay for the fugitives. The chief had been thrown, with his arms tied behind his back, on a heap of burning straw, and compelled to disclose where a little money that had been saved by the villagers had been buried. The priest had been torn from the altar, and beaten before his congregation. Men showed me the marks of torture on their body, and of iron fetters round their limbs. For the sake of wringing a few piastres from this poverty-stricken people, all these deeds of violence had been committed by officers sent by the Porte to protect the Christian subjects of the Sultan, whom they pretended to have released from the misrule of the Kurdish chiefs."

There was hardly a passage in the work from which he quoted which did not clearly lay down that these were the natural and usual consequences of the Turkish rule over the Christian subjects of the Sultan. In another passage the hon. Gentleman said:—

> "The Nestorian community had greater wrongs to complain of than their patriarch. The Turkish Government, so far from fulfilling the pledges given to the British embassy, had sent officers to the mountains, who had grievously ill-treated and oppressed the Christian inhabitants. The taxes which the Porte had promised to remit for three years, in consideration of the losses sustained by the unfortunate Nestorians during the massacres, had not been, it is true, levied for that time, but had now been collected altogether, whole districts being thus reduced to the greatest misery and want. Every manner of cruelty and torture had been used to compel the suffering Christians to yield up the little property they had concealed from the rapacity of the Turkish authorities. The pasture and arable lands around their villages had been taken away from them and given to their Kurdish tyrants."

Now, he would ask the House whether it was really extraordinary or remarkable that, under circumstances of this nature, detailed by a Gentleman of the greatest powers of description and real knowledge of the facts, insurrections should break out, and whether it was not utterly impossible that there could be any amalgamation whatever between the Christians and the Turks? In one case the hon. Gentleman himself stated that he had known people who had complained to the Porte of the treatment they had been subjected to, and the manner in which their property had been taken from them; but they were imprisoned instead of obtaining redress. Nothing had ever been done either to improve the state of the country or the condition of the population. On the contrary, he thought the hon. Gentleman opposite would be at a loss to point out fifty miles of new road in any part of Turkey, to instance a bridge which had either been built or repaired, or, in short, to state anything by way of improvement that had been effected. He believed the only road existing that had been made within the last fifty years, or, indeed, for the last 200 years, in the Turkish empire, was the road between the embassy at Constantinople and the summer residence of the Sultan. Throughout the country the grossest misrule prevailed, and fifty miles from the capital every pasha could do as he pleased, and no effectual check was placed upon him by the central authority. The Christians of Turkey were told to imitate the patriotism of the Turks; that was, they were invited to come forward, and shed their blood in maintaining the rule of 2,000,000 Turks, who tortured and oppressed them, in order that they might escape from the tyranny of Russia. To talk of the patriotism of the Turk was absurd. The Turk was hated wherever he ruled; from Morocco to Bagdad, from the sources of the Nile to the Balkan, it was a proverb, that where his horse had trod, the grass would not grow. What then made the hordes of Arabia, the Kurd and the Egyptian, flock to whiten with their bones the plains of Bulgaria? It was not patriotism, it was the fanatical resolve to maintain the domination and ascendancy of the followers of the Prophet. On the other hand, we were sending our troops to put down the insurrection at Arta and elsewhere, which was warranted by a thousand acts of cruelty, and by 400 years of the most galling oppression. He wished to know in what the real equality of the Christians with the Turks consisted. The noble Lord (Viscount Palmerston) said that the evidence of Christians was taken in civil cases equally with that of the Turks, but the noble Lord was not quite sure whether their evidence was also taken in criminal cases. If so, the Christians were not much better off than before. It was reported that very day, in the lobbies, that the Porte had refused to grant any protectorate over the Christians in her dominions, either to England or any of the allies, any more than to Russia. How, then, could the Government come down to that House, and say that they had insured the liberties of the Christian population of the Turkish empire? It was worse than a farce to make any such pretence. To talk of the toleration of the Turk was most absurd folly. When a Christian was converted from one Christian sect to another, the Turk, despising them all, gave himself no concern whatever. In his own polite phraseology, it was nothing to him whether the dog eat the hog, or the hog the dog. But when a Mahomedan turned Christian, where was the Turk's toleration then? He cut off the head of the convert for his so-called apostacy. But it was said that they were strengthening Protestant influence by interfering on behalf of Turkey; but when it was remembered that 100,000 French troops were to be landed, it would seem that the result would be to strengthen Roman Catholic rather than Protestant influence in Turkey. The dispute began with the quarrel between the Greek and Latin Churches, and he believed the Jesuits were at the root of the whole matter, and that their intrigues at Jerusalem were the real cause of all that had happened; and what Protestantism would gain by it, he could not conceive. It might be suspected whether, in future even, it would be possible to secure our interest in Egypt; whether Malta could remain in future half garrisoned; and whether our fleet in the Mediterranean could be reduced to a few seventy-fours. There was another element in the question. The French had, at the present moment, a fleet ready to join our fleet in the Baltic. That fleet would hereafter remain at Cherbourg on a war footing, and the coasts of England would by no means then remain in a secure position. He had never been one of those who blamed the Government for not rushing into a war; on the contrary, he thought they deserved credit for having preserved peace so long; but now that we were to go to war in behalf of the Sultan, he did trust that some sort of guarantee would be obtained that the rights and liberties said to have been granted to the Christian population by the Sultan would not become waste paper, and that they would not forget, in a short-sighted anxiety about the balance of power, the triumph of our common Christianity.

LORD DUDLEY STUART said, that the suggestion made by his hon. Friend (Mr. Milnes), that a British Commissioner should be sent to Turkey to use his influence in the name of the Government to induce the Turks to act with moderation in quelling the insurrection, and to mitigate the severities which might be practised by the employment of irregular forces, was well worthy the attention of the Ministry. The House had heard a great deal of the cruelties alleged to be practised by the Turkish Government upon their Christian subjects. It was said that the Sultan had no influence over his fanatical subjects, and his reforms were undervalued. But when noble Lords and hon. Gentlemen dwelt so much upon the defects of the Turkish Government, they either spoke beside the question or forgot it. We were not taking up arms for Turkey because we approved the Government of that country or thought it perfect. We took up arms in its defence, not for the sake of Turkey so much as for the sake of Europe at large, and to prevent that important country from falling under the rule of Russia, for, if Russia once got possession of the Bosphorus and the Dardanelles, she would become so powerful as to exercise an undue influence over the rest of Europe, and establish a universal dominion. Every one in that House must desire to see the Christian subjects of Turkey treated as well as possible, but just at the moment when Turkey had commenced her reforms and had entered upon a better system of government, Russia interfered, and put forth pretensions incompatible with the independence of Turkey. This was the exact course which had been pursued by Russia with regard to Poland. When Russia saw that the reforms being made in Poland were destroying her influence and preventing her from making a tool of that country, she interfered, and then the last and final partition of Poland was effected. He would not say that the Christian population of Turkey were animated by a warm attachment to Turkish rule. They, no doubt, had grievances to complain of, which he hoped would be redressed, and the Turks were proceeding to redress them. But, he firmly believed, that the great mass of the Christian subjects of Turkey would not willingly see the Sultan's rule exchanged for that of the Czar. As to the present insurrection of Greek Christians, he believed it had been fomented, if not produced, if not by the Government of Greece, which he suspected, at least by persons belonging to the Greek kingdom. The absurd notion of a Byzantine kingdom was not entertained by the 15,500,000 of Christian subjects in Turkey, but only by about 1,000,000 Greeks. He had seen Christian troops willingly marching out of Constantinople side by side with Mahomedan soldiers, and the crescent carried side by side with the cross. Would this have been the case if there were that general detestation of the Sultan by the Christian population which was said to exist? Some allusion had been made to a speech of Lord Shaftesbury. Now, he believed that that noble Lord had understated his case when he said that there were forty Protestant congregations in the Turkish dominions. When he was at Constantinople, he had made the acquaintance of a distinguished American missionary, of whom he inquired the number of Protestant congregations in Turkey. He said there were forty, but, doubts having been expressed whether there were so many, this missionary and his brother missionaries took pains to examine the question, and they found that, instead of forty, there were sixty of these congregations, many of them having among their members converts from the Greek and Armenian Churches, and even Mussulman converts. He had been given to understand only that day that the Sultan had given land for a Protestant church and schools in his own capital. He believed that the evidence of Christians was formerly received equally with that of Turks in the commercial tribunals, but that, until recently, the Turks were in the habit of removing these cases into another court, where the evidence of Christians was not taken. The Sultan, however, had determined that in all the courts the evidence of Christians should be taken. [Lord LOVAINE: In criminal as well as civil?] Yes, in the criminal as well as the civil courts. He believed that within the last twenty or thirty years the Turks had made great progress in civilisation and humanity, and he knew that during the recent war the prisoners taken by them on the Danube had been treated with the utmost kindness. Some of the prisoners were allowed to return to Russia, and those who were retained were sent into the interior of Turkey and were furnished with the means of subsistence. In travelling through Turkey, and particularly in the Christian provinces, he had not observed any symptoms of disaffection or discontent; and in Bulgaria, through a great portion of which he had passed, the peasants, although living in houses of rude construction, were well fed; they had abundance of poultry, sheep, oxen, and horses, and they presented the appearance of a happy and contented population. How would they be placed if they exchanged the rule of the Sultan for that of the Czar? What had been the effect of the first proceedings of the Czar, who professed to be the friend of the Christians of Turkey, but to plunge a large territory, with 4,000,000 of Christian inhabitants, into all the miseries of war and invasion? He did in the Principalities now as he had done on a former occasion—that is, forced them to maintain his troops now in Moldavia and Wallachia; and those who refused to serve with his armies, or those who ran away to escape it, were seized and put to death. The noble Lord opposite (Lord Lovaine) had quoted some passages from a book; and he (Lord D. Stuart) would now read an extract from Admiral Slade's *Travels in Turkey in* 1829. Marshal Diebitsch, in his instructions to the Russian army, said:—

> "'If cattle cannot be found to draw the peasants' carts, you will harness men; if there are not men enough, you will harness women.' Some one rose to reply, 'Hold,' said Diebitsch, 'Does any one dare to reply to me—the Emperor's representative? To hear and to obey is all that I require.' Forage being wanted for the heavy artillery, and none to be had for sixty miles, this same barbarian gave the following order to the officer of that district, who had proposed a milder measure, 'You will take as many men and as many women as are sufficient, and load them each with as many pounds as they can bear, and employ them in conveying forage to the cantonments of the heavy artillery.' My narrator, who was present, and whose brother put the order in execution, said that half of them died on the road! The people of this province (Bulgaria) were, till the coming of this savage commander, happy, rich, well-clad, and they became worse than hewers of wood and drawers of water! Another inroad of the same kind now hangs over them, after a respite of fifteen years. Now they have aided the Russians, thereby incurring the anger of the Sultan, who yet forbore to punish them, but they could not believe that he would be so lenient, and numbers emigrated with the army at the peace, and were reduced to the lowest condition, in a word—Russian soldiers."

He (Lord D. Stuart) might perhaps take that opportunity of alluding to the subject which had been brought forward at an early period of the evening by the hon. Member for Manchester (Mr. Bright). The proceedings which had taken place at the dinner given by the Reform Club to Sir Charles Napier had been somewhat acrimoniously assailed. (He Lord D. Stuart) regretted the course which had been taken by the hon. Member for Manchester, and which he thought was wholly unnecessary, but he also regretted the tone in which that hon. Member had been met by the noble Member for Tiverton (Viscount Palmerston). At the same time he (Lord D. Stuart) considered that the tone adopted by the hon. Member for Manchester in bringing the question forward had, unfortunately, excited the asperity which had been manifested. He could not help saying that he thought the hon. Member for Manchester would have shown better taste if he had abstained from attacking the proceedings which took place at the convivial meeting of a club of which he was himself a member. That hon. Gentleman did not confine his attacks to Cabinet Ministers, for he seemed disposed not only to assail everybody connected with the club, but anybody who had any connection with any dinner whatever. The hon. Gentleman did not even pass by the Lord Mayor, who, he (Mr. Bright) thought, had done something exceedingly wrong in proposing to entertain the officers of the Army and Navy who were about to proceed upon foreign service. He (Lord D. Stuart) would have been glad if the intention of the Lord Mayor had been carried out, and he regretted that the Government had discouraged the proposition. His hon. Friend the Member for Manchester disliked war and convivial meetings, and might, for aught he (Lord D. Stuart) knew, even be a member of the Temperance Society; but at the same time he believed that there was no one who was not imbued with a sense of the useful consequences of war; and he believed that not one of those who dined at the Reform Club the other day, and heard the speeches and cheered them, but entered into those feelings. He believed the country felt this too; but they also felt that we were not entering on this war but from the conviction that it was essential for the good of Europe and this country. But there was no reason that some gentlemen should not assemble to cheer on their friends who were going on an honourable service because they lamented that a war should take place. If his hon. Friend the Member for Manchester thought such dinners were reprehensible, he had a right to state his opinion, but he would tell his hon. Friend, if he were present, that in the opinions he expressed he stood alone, or at least with a very small minority. The whole country regretted the going to war, but they felt the necessity for it. He (Lord D. Stuart) had had that opinion expressed to him by a gentleman in large business in the City of London that day, who had added, that there was but one voice in the City on the question; and that as to the additional burden of the income tax, there was not a man who would not cheerfully submit to it in order to preserve the honour of the country and the security of Europe. He agreed with his hon. Friend the Member for Manchester with regard to the picture he had drawn of the horrors and sufferings attendant on war, but he wished that his hon. Friend would direct his censures towards the true cause of the war, the Czar, and his reckless and unprincipled ambition. He (Lord D. Stuart) hoped that we should enter on this war in the right spirit, and that the Government would use means for carrying it on vigorously, and bringing it to a successful issue. It had been said that by the course which the Government had hitherto taken, we had obtained the concurrence of the country, and of the whole of Europe in the war. He wanted to know a little more on that point; he wanted to know whether Austria and Prussia were ready to support us and on what terms. He hoped that we were not about to lend ourselves in return for the assistance of those Powers against Russia to a Holy Alliance for the purpose of putting down liberty all over the world. If England and France acted vigorously, they might be sure that Austria and Prussia would come over to them, for there was more danger to them in being against us than for us; but let us not purchase their alliance by an unworthy sacrifice of the liberty of nations which was always so dear to the people of this country.

Lord CLAUD HAMILTON observed, that the noble Lord who had just sat down had favoured the House with his impressions of the state of Turkey, derived from a residence of three weeks in that country; but he would appeal to the candour of the noble Lord, whether he had gone to Turkey with a mind totally unprejudiced, or with the strong feelings of a partisan? He would not follow the noble Lord through his speech, but he trusted that before the discussion terminated, the House would hear from some one in authority an answer more definite and satisfactory than had yet been vouchsafed to the remarks of the hon. Member for Pontefract (Mr. M. Milnes), and that they would hear something more explicit about the insurrection that was spreading in many parts of the Turkish dominions. There the people were fighting on the same classic soil where their fathers centuries ago struggled for their freedom. It was necessary to know what position our soldiers would occupy in relation to those people. Surely the noble banner of England was not going to be carried against a brave people struggling to free themselves from the oppression under which they laboured. Was it to be displayed on the part of a tottering tyranny that was no longer able to support itself against the indignation of its victims? Was it to be unfurled in behalf of such cruelties as those that were perpetrated by the Janissaries, or to prevent the well-deserved doom of Eastern despotism? He trembled when he contemplated the position in which our soldiers would be placed, if it were expected that their arms were to be directed against the glorious people who aimed at achieving their just rights. As they were sending out armaments in support of Turkey, they ought to get an assurance that their weapons would not be used in quelling any insurrectionary movement. The Greeks had been long trying to throw off the galling yoke; but it had been said that the present attempt was unseasonable. He could not understand this assertion; for he held that the most seasonable time for a movement of this kind was, when it was most feasible and most likely to be successful, and positive assurance should be given that in no case they should be forced to act as the executioners of a tottering despot. Some reply was the more requisite, as it had been stated in the public journals that a portion of the French squadron, which had been acting in such perfect union and cordiality with our own, had recently escorted a body of Turkish troops to the Gulf of Volo, in order to put down the gallant people who were endeavouring to free themselves from the fetters of a degrading tyranny. He (Lord C. Hamilton) wished to know whether our troops and ships were liable to be employed upon such a service, and, if not, whether there was a difference between the orders given to the French and English squadrons and troops. He hoped, however, that the Government would be able to give a peremptory contradiction to the statement that any portion of the French squadron had been employed for the purpose he had mentioned. For once, he was perfectly prepared to incur the unpopularity described by the noble Lord the Member for Marylebone (Lord Dudley Stuart), as attaching to all who did not approve of the war—not that he wished to charge the Government with having wilfully brought about the result which necessarily led to war, but because he could not see anything to justify us, from the documents before the House, in inflicting on humanity the horrors of a conflict. He considered, too, that Parliament ought to be informed of the objects for which we were going to war. If there was any urgent necessity for it, why was it not plainly stated? He feared he must say that the blue books bore evidence of having been "cooked," and he had even heard, out of the House, that the beautiful way in which they were prepared had been made the subject of congratulation. He, however, could not find in the blue books any justification for entering upon the horrors and evils of war. He considered war the greatest curse that could afflict mankind, not only for its carnage, but also on account of the degrading effects and retrograde tendencies that always accompanied it. Considering that the contest may be disastrous and protracted, that it may involve a generation in its horrors, and deluge half Europe with blood, he thought it the duty of every one calmly and conscientiously to scrutinise its causes and effects. Each person should remember that he is responsible for his share in promoting it, not only to his country and to posterity, but also to that dread tribunal before which all must appear. Therefore, to justify war, the excuses must be clear and imperative, and it must be remembered that history will judge of these events according to the documents now produced. In these blue books the real question is evaded, and the true cause of the war is not disclosed. The lengthened cajolery of diplomacy is substituted for a plain disclosure of truth. The noble Lord (Lord D. Stuart) had asserted that the Czar was the cause of the war, but the Czar had been the noble Lord's hobgoblin, tormenting him by night and by day for many a long year, and the noble Lord did not perceive that he was placing himself in an awkward dilemma by at one time representing the Russian Government as the most degraded in the world, and at another as so seductive that no people could withstand its arts. He could not allow that there was no alternative between the Russian and the Turk; and he thought it was a great delusion to say, that the Greek population of Turkey, if they could get rid of their present masters, would at once throw themselves into the arms of Russia. It was also stated that identity of religion would cause this result; but the Russians and Greeks had a sufficient difference of religion to make them hate each other cordially. It has even been remarked that the intensity of religious animosity is in exact proportion to the minuteness of the difference between the rival sects. The real cause of this war, as well as of all the Eastern questions which had so often recurred in the course of the century, was the weak, miserable, and degraded Government of Turkey. No one could have perused the eloquent description given by the hon. Member for Aylesbury (Mr. Layard) of the scenes of lawless violence and rapine carried on in Turkish provinces, and by order of Turkish governors, without coming to the opinion expressed by the hon. Gentleman of the merits and results of the Turkish rule, when he said, "Wherever the Osmanli has placed his foot he has bred fear and distrust. His visit has ever been one of oppression and rapine." And again, after describing the high taxes and universal corruption,—"Such is the history of almost every tribe in Turkey, such the causes that have spread desolation over her finest provinces." It was, indeed, to this cause, and this alone, he maintained, that the present crisis must be attributed. It is to this cause that we must ascribe the desolation and misery that prevail over the glorious regions now blighted by the withering effect of Turkish misrule. It was idle to attribute everything to Russia. Was this the first time we had had Eastern questions? Has not the peace of Europe been before menaced by Eastern questions? Is not that empire a constant source of uneasiness, and replete with causes of disturbance, to the rest of the world? Is Russia always the cause as asserted? The real cause is ever the same—the degraded corrupt nature of the Turkish government. In 1827, was it Russian intrigue that aroused all Europe to protect the Greeks from their cruel oppressors? Did not one of the noblest of our poets arouse the zeal of all England by his stirring verses, descriptive of the horrors committed on a gallant people, the sons of the classic land in which the interests and affection of all educated persons were warmly engaged? Outraged Europe interposed, and saved and emancipated Greece; the same struggle is now going on in Albania, and we propose to take part with the sanguinary oppressor. Again, was it Russia, in 1833, that overthrew the Ottoman Porte and brought a conquering army upon the capital? No such thing; it was an ambitious and powerful Pasha who threw off his allegiance, and it was Russia that protected Constantinople by an army. Again, in 1840, was it Russian intrigue or arms that destroyed the Turkish armies? No, it was a powerful and able satrap that profited by the weakness of the Sultan, and once more Russia joined with other Powers to put the tottering despot again upon his legs. Why is it, then, that every ten years this Government is prostrate and requires foreign aid? It is the natural collapse that ensues from internal corruption. We must, if we insist on interfering, look for the real origin of this constantly recurring Eastern question. He had no wish to justify in the least the conduct of the Emperor of Russia, but he believed that the first orign of this affair must be sought in the proceedings of France, who, at a time of profound peace, had put forward claims for peculiar privileges wholly incompatible with the honour and independence of the Sultan. The whole of the present difficulty had arisen from what had been called the impropriety of humiliating the Sultan, and of coercing him into granting demands incompatible with his dignity. But the real origin of it was France; the real cause of it the conduct of the present ruler of France some years ago; for we found from the blue books, that in a time of profound peace, and for a purpose peculiarly French, a demand was made upon the Turkish Government with respect to the Holy Places, entirely incompatible with its independence. France even threatened to occupy Jerusalem, a much more severe blow to the dignity of the Sultan than the Russian occupation of the Principalities. This led to retaliation on the part of Russia, which caused the assembling of the fleets at the Dardanelles, and the mustering of troops in Bessarabia, and once such combustible materials are brought into contact, war is certain to ensue. He would venture to point across the Black Sea to the eastern shore, and call attention to what is and has been going on there. In Circassia, a handful of gallant men have bid defiance to the legions of Russia, have scared her marshals, and set her diplomacy at nought, and why? because those gallant men were fighting for freedom on the soil of their forefathers. Their arms were raised with the sense that they were combating for their own liberty, and they have heroically preserved their country from the taint of the oppressor's foot. This is the way to meet Russian aggression. Inspire the Christian population with a sense of freedom, and give them an opportunity of securing their own liberties, and they will keep out all aggressors. Certainly, he for one should look upon it as a shame and disgrace to this country that we should, for the first time, enter the Black Sea for the purpose of assisting the Sultan, instead of having, long ago, entered it on behalf of the brave Circassians. In conclusion, he wished once more to state that he desired to free himself from the responsibility of promoting this war, as he could not persuade himself that it was justifiable—popular he knew it was, but he would remind the House how fickle is such popularity. It is but three years ago that all the world had a peace mania, all nations were invited to the Exhibition as to a great peace congress—war was to be no more heard of. The notes of peace and civilisation were to supersede all warlike ambition and glory—nothing would be more universal and popular than the peace cry—the first crop of grass is now growing where the splendid fane stood, in which peace was so solemnly inaugurated, and behold a war mania has seized this very people who had so recently pledged themselves to perpetual peace. They rush into the streets to cheer our soldiers as they march to embarkation, and flock to the seaports to see them sail on their mission of war and destruction. He therefore thought that little weight should attach to temporary popularity.

Lord C. Hamilton

Mr. LAYARD: I owe an apology to the House for venturing, at this late hour, when business of importance has still to come on, to rise for the purpose of addressing it. I did not intend to do so; but, as various references have been made to me by hon. Members on both sides of the House, and as statements have been made which require explanation, if not contradiction, I should be wanting in my duty if I did not, with this view, trespass for a few minutes on its attention. I promise to endeavour to bring back this rather discursive debate to the original Motion of my hon. Friend the Member for Pontefract. I believe his intention was to obtain from the Government some promise that the Turkish Government should be restrained from sending part of its fleet—for I consider the Egyptian fleet part of the Turkish fleet—to put down the insurrection which has broken out on the frontiers of Turkey and Greece, and that a British commander should be sent to mediate between the parties with the view of bringing about a satisfactory termination of this unfortunate outbreak. It is necessary, I think, that we should inquire into the origin of this outbreak. If I might refer to the blue books, without again incurring a reprimand from the right hon. Baronet the First Lord of the Admiralty, I would call the attention of the House to what took place at the beginning of last year, when Prince Menchikoff went to Constantinople. One of his first attempts was to send to Athens an admiral of the Russian Navy who accompanied him upon his mission, Admiral Korniloff. The Government was officially informed that the visit of that gentleman to Greece was accompanied by peculiar excitement, and that it was intended for the purpose of a defiance to the Turkish Government. Early in the year, on the 5th of April, we have a despatch, which, like many other despatches, shows that degree of confidence which the right hon. Baronet described as the legitimate sentiment of a generous mind, in which the noble Earl at the head of the Foreign Office, after stating his full reliance upon the assurances given by the Russian Government, and his unabated confidence in the intentions of the Russian Government, points to certain warlike preparations upon the Turkish frontier, and then alludes to this mission of Admiral Korniloff to Athens, which had caused great excitement, not only in Greece, but in the Turkish border provinces. In answer to that despatch, very contradictory statements were made both at St. Petersburg and Athens—by Count Nesselrode and by the Greek Minister. These statements were so confused that, for no other reason, as far as I can make out, were they admitted at once as satisfactory by the British Government. I say, however, that this was the time to have taken some step to check the growing movement in the Greek States. If we had sent a couple of vessels to the Piræus—we were ready enough to send a fleet when we had a small bill to settle with the Greek Government—to insist upon the observance of treaties and on due respect being paid to our allies, what has happened would never have taken place. As it is, the evil has been going on from day to day. These intrigues by Russia have proceeded unchecked to such an extent that they have now ended in a general outbreak. I speak almost from experience when I say there is scarcely a convent inhabited by one or two monks on Mount Pindus, or on Mount Olympus, which has not of late received presents of plate, of books, or other church property from the Emperor of Russia, and has not been in constant communication with the Russian Embassy at Constantinople or with Russian agents. I understand that in Greece matters have gone to such an extent that the King will very soon be reduced to the state of a certain governor of a district bordering on some of the gold regions, who was compelled to clean his own clothes; for not only his generals and officers, but the Ministers themselves, are going off to join the insurrection. It is very well to say, "send a British commissioner," but I think the time is almost passed for such a proceeding. My hon. Friend says, "You must not employ the Egyptian fleet, and you must not employ the Albanians, to put down this outbreak." There is no one who has a greater horror than I have of the Albanians, for I have had the misfortune of seeing an Albanian campaign. But who is responsible for the atrocities of these Albanians? It surely cannot be said that the Turkish Government is responsible, because it has withdrawn its troops. Of course it has withdrawn its troops, because there was not a single disposable man in his dominions whom the Sultan was not bound to bring to the banks of the Danube to encounter a foe which threatened the very existence of his empire. If we had been ready to assist the Porte, when the Russians entered the Principalities, she would not have been compelled now to leave these Albanians to put down this insurrection. Then, I am told, she is not to send her Egyptian fleet. But who, I ask, caused the loss of half her own fleet [*loud Opposition cheers*]? What do I hear from Gentlemen on the other side, and from the hon. Member for the West Riding? That they will never allow England to assist in putting down this insurrection. They have told us they will not allow the Porte to do it, and they go on and say, "We must not do it." Is this rebellion to be allowed to go on, and how will it finish? The hon. Gentleman the Member for the West Riding says that he, as the representative of the democratic principle in this House, never will consent that the majority shall be put down by the minority. I will take him at his word. Let them fight it out, and then we shall see which is the minority, and which is the majority. Let us consider for a moment the attitude assumed by Austria at present. It may be said that this is no part of this question; but I contend that it is a part—and a very important part—of this question. We heard, some time ago, that the Government, by its vacillation, had gained a great end, that we had thereby secured the alliance of Austria. I pointed out on a previous evening that as early as June we were promised by Austria an armed interference. What more has Austria done now? All that Austria has promised is a kind of armed neutrality, and we are told she is going to occupy two Turkish provinces. Is it Servia? No. It is Bosnia and Herzgovina. Why, it is clear enough Austria wishes to hold aloof, and not compromise herself until she is ready to take that part most fitting for her own interests. If she had occupied Servia, she would have been brought into direct contact with the Russian forces, and would have been in the occupation of a semi-independent State to a certain extent under the guarantees of Russia, in which there was no Christian population to excite to rebellion against Mussulman rulers; but in Bosnia and Herzgovina the case is different. She will not be compelled to take any decided step against Russia, and she will prevent insurrection amongst the Christian population against the Turks only as long as she deems it convenient to her own views to do so. Remember, too, there are other populations besides the Christian populations of the Porte who may rise. There are populations on the other side of the Adriatic ready to rise, and we are under no pledge to Austria to put down such an insurrection; and if Austria asked, and we refused, would she not be justified in taking what course she thought best? But this is not now the immediate question under discussion, which is chiefly the position of the Greek races. It appears to me the Greek cause is much misunderstood. What is the position of the Greek race under Turkish domination? Sultan Mahomet on the capture of Constantinople at once confirmed all the privileges, immunities, and rights the Greek patriarchs had enjoyed under the Byzantine Emperors. Such was the spontaneous concession of the Turkish Emperor; and we have the high authority of Montesquieu for believing that the Greeks in Turkey were subsequently far more prosperous and far better protected than they were under the Byzantine Emperors; and although those privileges have from time to time been invaded, yet to a certain extent the Greeks have enjoyed great liberty and great prosperity. We know that the Hospodars of Wallachia and Moldavia were Turkish subjects of the Greek Christian religion. We know that the highest offices of the Porte—those offices to which the whole of the foreign relations are confided—have been held by Greeks. We know that at this moment in this country, as lately in France, the Minister of Turkey is a Greek gentleman. I need only refer to three celebrated Greek colonies in Turkey, Aivali, Ambelakia, and Zagoria, to prove the general moderation of the Government under which they flourished. In Aivali, the Greek Cydonia, there were Greek colleges and Greek schools, and education was carried to a high pitch of excellence. In Ambelakia there were great trading communities, under Turkish protection. And to what did those colonies owe their fall, but chiefly to the last Greek revolution? I am told of the atrocities that were committed at that time. Now, although I would never wish to justify one act of cruelty by another, yet, in justice to the Turks, I am bound to declare that the massacres which most unfortunately took place during the Greek revolution commenced with the Greeks. When Ypsilanti entered Wallachia, the first step taken by the insurgents was to murder a number of Turkish merchants and captains of trading vessels who chanced to be at Galatz. The next act of atrocity was committed upon a person of great sanctity in the estimation of the Turks, who, with all his family, on their return from Mecca, was seized by the Greeks on the high seas, and barbarously murdered. The outbreak and murder of the Patriarch at Constantinople followed, but as soon as the Government could control the popular feeling, so strongly—I might almost say naturally—excited, it gave the fullest proof of its moderation in preventing any popular act of vengeance after the news of the massacre of Navarino. What happened after that terrible massacre of Navarino, when three nations, nominally the allies and friends of Turkey, butchered her subjects and sunk her vessels? When the news reached Constantinople, was there any rising? Why, the noble Lord who was then, as now, our Ambassador at Constantinople, did not even think it necessary to put his family on board a British ship of war for protection. There are very few countries in the world, I think, where such an event could occur without exciting popular commotion. The other day there was the affair of Sinope, a greater massacre than even Navarino. What was the state of things then? That massacre took place almost in the hearing of the British and French fleet, and less ignorant people than the Turks are inclined to believe that the conduct of their allies was, to say the least of it, not very straightforward. I myself believe no event has more tarnished the British arms than that affair of Sinope, or requires more explanation. What followed? Was there any rising of the Turkish population? We are informed that, when the news arrived, perfect order prevailed, and, shortly afterwards, the Turkish Government expressed their readiness to negotiate afresh. Indeed, I might refer to the documents published in those blue books to prove the consideration the Turkish Government has shown even to the commerce of Russia, upon which they were fairly entitled to take reprisals. There was a dictum of Sultan Mahmoud that he wished only to know the Mussulman in his mosque, the Christian in his church, the Jew in his synagogue, and the results of the reforms he contemplated have been since embodied in those Turkish ordinances known as the Tanzimat. I cannot cite a more complete proof of the advances Turkey has made than from the statements of Russia itself. I will read a paragraph from that remarkable document which the Emperor Nicholas has recently put forth as a justification of his conduct:—

> "Since 1829 His Majesty has followed with great attention the march of events in Turkey. The Emperor cannot shut his eyes to the consequence of the changes which, one after another, have been introduced into that State. Ancient Turkey disappeared from the time it was sought to establish institutions directly opposed to the character of the Mussulman people—institutions more or less borrowed from modern Liberalism, and entirely opposed to the spirit of the Ottoman Government."

I cannot read any extract, any admission of the Russian Government, which more confirms the view I ventured to take last year than this, where we have the Emperor himself declaring the spirit of reform in Turkey to be the reason of his interference. I do not deny the despotism of Turkey; but I ask what is the difference between the despotism of Turkey and the despotism of Russia, aye, and even of Austria? Turkey, at least, admits principles of liberty and reform to be the basis of its Government, and there is a certain amount of liberty and justice; and those who live under its Government enjoy great personal freedom and can always hope to rise and become prosperous; but those who live under Russian, and even Austrian rule, are crushed with a leaden, grinding despotism; there is no hope; the Government itself does not profess to respect any principles of liberty or of rational freedom; as its subjects are born, so they must live, and so they must die. We have heard a great deal about the state of Greece. But what is the condition of that country? Within a very recent period I know the British Minister at Athens could not go outside the town without a strong guard to protect either his life or his property, or both. You talk about the cruelties of the Turkish Government, but remember the cold-blooded cruelties of the agents of the Greek Government during the time of the recent elections. There was not a torture which has unfortunately been used in Turkey which was not used in Greece to compel people to give their votes for the Government candidates. And whilst in Turkey women are unmolested, in Greece I have heard of acts of great atrocity being committed upon women to compel them to induce their sons and husbands to vote for the Government candidate. I hear of the liberties of Greece, of the progress of Greece. I cannot help contrasting the state of Greece with the state of Turkey. It must be borne in mind that the accounts which are given of the sufferings of the Greek population in Turkey, and of oppression on the part of the Turkish authorities, are very often much exaggerated. If you look at the despatches in these blue books, you will see that the vice-consuls of the British Government are frequently Ionian Greeks. I have a great repugnance to employing Ionians in that service, and I think they ought not to be employed as agents of the British Government. They are always more or less connected with the people round them, and they are inclined to, and do very much exaggerate the events which occur. The same is sometimes even the case with British-born Consuls. I do not wish to be understood to include them all in this observation; but I speak generally, and I say their reports are often untrustworthy. How are these reports got up? A new pasha comes to a pashalic. As soon as he arrives, the English consul calls upon him, complains to him of the misgovernment of his predecessor, points out a particular class as worthy of his protection, and proposes to him an entirely new system of taxation and local administration. He is bound to thank him as a friend for all this attention. But no sooner is the English consul gone, than the French consul comes and suggests some very different ideas of local administration and taxation. Of course the pasha receives him with the same courtesy, but the French consul goes and the Austrian consul arrives, and endeavours to impress him with notions of taxation and administration totally opposed to those recommended by the French and English officials. The pasha receives him with the same civility. But, unfortunately, he cannot carry out the three systems, and if he carries out one he offends the authors of the other two. Reports soon begin to find their way to the ambassador—perhaps they are to this effect: the pasha hates the Franks, will not listen to advice, and oppresses the Christians; and the ambassadorial influences being set in motion, the pasha gets dismissed at the end of a very few months, and another succeeds, to go through precisely the same ordeal. Such are the cases which are occurring from day to day. I could state thousands of instances to this House, and I do not know whether they would more excite laughter for their utter absurdity, or indignation for their gross injustice. I have had to press demands which, as an Englishman, I have been ashamed of. I will merely quote one example. An Ionian, under our protection, bought a fishery on the Albanian coast for some thousand dollars, to try some new method of catching fish. The scheme failed, and he brought a large bill against the Turkish Government, declaring he was ready to swear the Turks had poisoned the fish; that other witnesses were ready to swear they had counted so many million of fish dead upon the shore, and so many million fish dead in the sea, all of which had so many million of eggs, which, if they had not been destroyed, would have produced so many millions of fish, and he sent in a bill of some 20,000*l.* or 30,000*l.* upon the Turkish Government. We compelled the Turkish Government to appoint a commission, and although the fellow did not get all he asked, he got a large sum, and I have no doubt exhibits at this moment a most cheerful picture of oppression suffered under the Turkish Government. Another English subject, a Mr. Churchill, who is now dead, whilst living at Constantinople, went out shooting, and by accident wounded a Turkish boy. He was bastinadoed—that is, he received one or two stripes, and when a friend waited on him in prison to condole with him, instead of finding him overpowered, although he had a chain round his neck, he was in great glee, and said, "Don't you see what a capital thing it will be for my family." He got from the Turkish Government 5,000*l.*, and he assured me he should be delighted to be bastinadoed again upon the same terms. I have just been reading in a book the account of a gentleman who was in Albania when it was stated that a tremendous massacre of the Christians took place, the town of Vrania having been sacked, and the surviving inhabitants sold into slavery. This gentleman was actually at Vrania at the time, and contradicts the whole story; the only persons who suffered were some Turks who had endeavoured to suppress an insurrection amongst the Albanians, who had risen, and amongst other acts of violence had destroyed a Greek church. The noble Lord opposite (Lord Lovaine) has done me the honour of quoting from a work which I have published, and has particularly dwelt upon several acts of cruelty and oppression which I relate. I feel bound to explain what I have said in that work. It must be always borne in mind, with regard to oppression in Turkey, that it is either committed by Turks who are opposed to the Porte, who are in rebellion against the Porte, or by Turkish subjects who profess their allegiance. In the first case, it may be said, that the Turkish Government ought earlier to adopt precautionary measures; but there were great and powerful tribes over which the Porte until recently had very little control. Within a very recent period the Porte has had three wars—in Bosnia, in Albania, and Koordistan—to put down these very tribes; and it has only been after a considerable loss of men and treasure that it has succeeded. The atrocities committed by Turkish authorities described in my work, are substantially correct; but if the noble Lord had read a little further, he would have found, in an adjoining district, a pasha who had established Christian schools, and, during a short administration, had raised the Christians to an unexampled state of prosperity. He showed me those schools, I passed some time with him, and I was quite satisfied of the good he has done during the short period of his rule. I stated in my book that, although I sent representations to Constantinople of the cruelties practised by the other pasha, they were not attended to. I was deceived. In consequence of those remonstrances, although coming from a mere traveller, our Ambassador at Constantinople succeeded in having the pasha turned out of his pashalic, and the pasha whose good conduct I also brought to the notice of the Porte, was promoted by having the very government that had been so mal-administered by his neighbour added to his own. There is only one way of preventing these oppressions being practised: appoint good consuls. Make the consular system a proper one. Have no jobbery. Appoint men worthy of the office. Appoint men who have distinguished themselves by their former good conduct and long service, and who are fairly entitled to promotion, and it is astonishing the influence those men will gain, without incurring the suspicion or mistrust of the Turkish Government. It is astonishing what good they do, not only to the Christians, but, what interests my hon. Friend behind me (Mr. Cobden) more, to British trade and commerce. Moreover, let the ambassadorial influence be properly and moderately exercised, without pressing too hard and too publicly upon the Porte, and in any just cause we shall never fail to obtain redress. Let us remember these reforms in Turkey have only been entered on during the last ten or twelve years. There has been no time to reform a generation. The Turkish Government have fifteen or twenty men who, when sent to pashalics, will do honour to the country. There are men not of the same character, and those men are sent to the more remote pashalics, and it is to the more remote pashalics that the remarks I have made apply. In those remote parts the pashas are beyond the control of the Government, there is very rarely any consul, and they do give way to acts of oppression. We must do away with our capitulations also. They are a source of immense evil. They place under our immediate control, and take out of the jurisdiction of the local authorities, a number of individuals, Ionians and Maltese, who are a disgrace to England, and who swarm in the Levant. There is not a murder in Constantinople or in the ports of the Levant which cannot almost invariably be traced to a British subject or to a Greek, but generally to a British subject. If you send the criminals to Malta or the Ionian Islands, you cannot get any native court or jury to convict them. If the Ambassador sends witnesses, the chances are he is personally saddled with the expense. The French and Russian Governments have the power of seizing any subjects who are liable to fair suspicion and have no ostensible means of employment, putting them in a vessel, and sending them away. But the English Ambassador has no such power, and if he were to attempt it, would indisputably have an action for false imprisonment. I will ask any one acquainted with the East whether he would venture to sleep with his door open in a Christian quarter, and whether he would not venture to sleep with all the doors open in a Mussulman quarter? These men are a disgrace to the protection we are called on to afford them. And now that I am on that subject, I wish to say a few words in answer to remarks which have fallen from Gentlemen on both sides of the House. They have expressed their wish that Her Majesty's Government will enter into a distinct understanding with Turkey with regard to its Christian subjects; and, as I understand, some such convention has been proposed to the Porte, and objected to on account of certain articles in it. I say, if you have entered into such a convention, you have done a most dangerous thing. You will justify all those very acts of the Russian Government which you are now condemning. But I say, also, such an article in the convention is unnecessary. What more do you want? You have obtained from the Sultan a firman granting Christians one of the most important rights they can enjoy, placing them almost on an equality with Turkish subjects. Since Lord Stratford has been at Constantinople he has been engaged in a series of negotiations for the better government of the Christian subjects of the Porte, and great benefit has accrued in consequence of his interference. Therefore, I say, you do exercise all the rights which any article of a convention can give you. Mark our danger! I do not say we shall take advantage of such an article; but may not Austria take advantage of it, to put in the same claim for the Catholics of Bosnia which Russia has put in for all persons of the Greek religion in Turkey? I do not wish to say anything against neighbours, but it is not long since there was a great struggle in Turkey for pre-eminence between the Greek and Latin Churches, and France may take advantage of it to push her claims on behalf of the Roman Catholics. If the Government have entered into such an article they have committed a dangerous mistake. They will have provided a cause of speedy quarrel with Austria, if not with France. And if the Porte does consent to such an article, it will, to a great extent, forfeit its independence. The other day I came across a curious definition of the Turkish form of government:—"The Turkish form of government is a despotic monarchy, only limited by the just influence now exercised by the Western Powers." That is an entirely new form of government, and a very anomalous one. No man is more opposed than I am to acts of aggression and cruelty. Unfortunately, I have witnessed such acts in Turkey, and I have not confined myself to speaking against them, but I have turned what little influence and knowledge I possessed to the best account I could in order to prevent those acts of cruelty being committed. A right hon. Gentleman upon the Treasury bench apologised to me for making remarks against the Mussulman religion, which he thought would be painful to my feelings. Now, no man can be more aware of the disastrous effects of the Mussulman religion than I am. No man can be more opposed to the wickedness of Islamism; but I hope always to stand up as the advocate, humble as I may be, of truth. Great rights and great interests are at stake—the rights of this country—the interests of this country—as well as broken international law. I advocate this cause not only because I believe that the Turkish Government is anxious to make what improvements it can, but also because I believe, as a Christian and politician, that a continuance of the present state of things will be most likely to place the Christians of Turkey in that position, ultimately, which Providence destines them to hold.

Mr. E. BALL was very glad that the noble Lord (Lord C. Hamilton) who had addressed the House that evening had spoken out on the subject of this war, and that he had the courage to give expression to opinions, when those opinions were not responded to by the people at large—he was glad at the discussion which had taken place respecting the proceedings at the Reform dinner. Let the Reformers have the entire credit of this war—it was all in harmony. A Reform Ministry originated this war—the celebration of the war was at a dinner at the Reform Club—and the naval conductors of the war rejoiced in the name of Reformers. He was glad that the party of which he was a humble member had nothing to do with the war—only adopting the noble sentiment of Lord Derby, expressed in the other House, that the country once at war, all party considerations would be sacrificed, and he would give every support to the Ministry, to conduct it as became a great nation, and to bring it to a triumphant close. He had always understood that the conduct of the Turks towards Christians had been distinguished by great cruelty; he had read some score of opinions of travellers, in letters from Constantinople; others, who had published their travels; all agreeing in the horrible treatment the Greeks received from the Turks; and he asked how was it, if the Turkish Government was so humane, that our Government, in conjunction with that of France, had undertaken to remedy that evil, and give a guarantee that that persecution should no longer exist? He must consider this a religious war, the Crescent against the Cross. He entered his protest against this war, which, he said, might have been stopped, and he expressed his surprise that the hon. Gentlemen on the opposite side, composing, as was said, all the talents in the country, and so much intellectual power, should not have been able to bring peace and goodwill, instead of discord and war. He believed, when the whole case was fully known to the country, the country would form a very different opinion of the case to what it now held. By the reports brought to this country from those who had an opportunity of judging, the Emperor Nicholas was a very different man from what he had been represented; and he did not like to see odium thrown upon any one unjustly. He remembered that the late Earl of Durham, when he returned from a visit of diplomacy to Russia, represented the Czar as a man of high honourable character, strong in his attachment to this country, and possessing all the kindlier feelings of human nature, manifested in his conduct as father and husband. He further recollected another nobleman, one who had just passed away from us, Lord Londonderry, who also engaged in a mission of diplomacy to Russia, did, on his return to England, represent the Czar as a man possessing the very highest attributes of humanity. He also found Sir Archibald Alison, the most truthful historian, in his *History of Europe*, giving a character of the Czar very different from what the Ministry now imputed to him. It was only a short time ago that odium was attempted to be cast on one of the most exalted of Princes, and not more exalted by his position than by the moral worth and integrity which adorned that position; and yet that distinguished personage was represented as having been engaged in transactions of the most discreditable character. Therefore, when they found odium directed against so much worth and integrity, it did not become that House to fall in at once with the clamour, but they ought to examine and proclaim the truth. There could be no doubt but this was a war originating solely in religious differences, and it could not be said that Russia was the first to raise the question. The first arrangement was violated by France, who infringed on the *status quo*, and threatened a fleet to enforce her new conditions. Again, the question was settled by Austria, in the Vienna note, which had been accepted by England, France, and Russia, and Turkey herself was the first to reject it. He was told that this was a popular war, but he did not believe it was so popular that the nation did not object to the increase of the income tax, and he must take the liberty of telling the Chancellor of the Exchequer that the mode he had devised of paying the expense of the war was, in his opinion, most unfair. Why should one tax bear the burden? That was not fair or equitable, especially as the income tax pressed with peculiar weight upon a large number of poor clerks, earning from 100*l.* to 150*l.* per annum, and also upon a large number of professional men. He was very much afraid that the Chancellor of the Exchequer would, at the end of the half-year, make a similar proposition for the increase of the income tax that he had done this, unless the House expressed a strong opinion against such a course. This was a national war, and the whole nation ought to assist in paying the cost; and he repeated, it was most unfair to place the whole burden on the shoulders of those who paid income tax. They said the war was popular, but this country was too civilised and too religious to delight in war, and he believed the time would soon come when the people of this country would give a stronger expression to their abhorrence of war than they had yet done of approval. He agreed with what had been said by the hon. Member for West Surrey, that nothing was more injurious to a country than to be involved in war, and that it ought never to be engaged in one, excepting for the maintenance of the nationality of a country, the welfare of its people, or its honour. He should be happy if the last efforts to procure peace should succeed, and if, through a merciful Providence, they were yet enabled to prevent their going to war.

VISCOUNT PALMERSTON: I hope, Sir, that we may be now allowed to proceed with the business which is before us. I can assure the House, however, as well as my hon. Friend (Mr. M. Milnes), that nothing can be more at heart with the Government than to use every effort in our power to improve the condition of the Christian subjects of the Sultan, and to endeavour to have them placed upon a footing of equality with the Mussulman population. But I am sure, Sir, that this House will feel that it would be very unfitting in us to fall into the same course as that which has been so decidedly condemned in the case of the Emperor of Russia, and that the endeavours of Her Majesty's Government must be tempered with the consideration of that which is due to the independence of another Sovereign and of another country. Now these changes and reforms have been the object of the anxious endeavours of the British Government for many years past; and, as stated by my hon. Friend (Mr. Layard), whose personal knowledge and experience enable him to guarantee the fact—great improvements have been already made. Indeed, it is only a few days ago that Her Majesty's Government received a copy of a firman issued by the Sultan, by which, for the future, a Christian's testimony is to be received in all cases, civil as well as criminal, in all the Courts throughout the Ottoman empire. So that a most important and valuable privilege is thus conferred upon the Christians; and there is this remarkable circumstance, which ought not to be entirely lost sight of, that the Christian's evidence is not received upon oath; for no such custom as that of taking evidence upon oath prevails in that country; so that the testimony of the Christian and the Mussulman will be upon precisely the same footing. Now, Sir, we have been told that the Turks have inflicted a great number of acts of cruelty and oppression towards the Christian subjects of the Sultan. No doubt they have, and in times gone by many excesses were committed by officers acting under the authority of the Government. Of late years, however, the practices of the Government itself and of those officers have been entirely different. I do not for one moment wish to deny that there have been acts committed by governors certainly deserving of the greatest reprobation; but great military enterprises have been undertaken by the Sultan, and oftentimes at the instigation of the British Government, to punish and put down such persons as have abused their authority. The noble Lord (Lord Lovaine) referred to the cruelty practised by the Kurdish chieftains on the Nestorians; but so far as the Turkish Government is concerned, we have no reason to complain against that Government for tyrannical or cruel proceedings against the Christian population of that country. With regard to the Greek insurrection, I confess I do not myself share in the apprehensions of those who consider that it will spread itself to a very great extent; while, at the same time, we cannot shut our eyes to the fact that its origin has not been wholly domestic. It is fomented as much from without as from within the confines of the territory. But, Sir, I can assure the House that the troops which have been sent from this country are sent to uphold that great cause in which she has engaged —a cause not such as it appears to some gentlemen, for our objects in this undertaking are not to enter upon a religious war in Greece—the object which the British Government has in view, and the object which the country will bear out the Government in endeavouring to attain, is the maintenance of those great principles of national independence which concern not Turkey alone, not merely the Governments of Russia and Turkey, but all the great nations of Europe, and apply to all the countries of the civilised world. Sir, we are going into this war, not upon the narrow grounds upon which some hon. Gentlemen have based the question, but in defence of the rights and interests which belong to Turkey in common with every other country of Europe; and I, therefore, hope that this House and the country will see that that cause will require to be supported by a great effort, and I trust to Heaven that that effort will be successful.

MR. MILNER GIBSON said, he wished to make a few observations on the speech of the hon. Member for Cambridgeshire (Mr. E. Ball)—who had intimated that the increase of the income tax would make the war unpopular—that the Chancellor of the Exchequer, in bringing forward his Budget, had expressly pointed out as one of the advantages of raising the means of paying the expenses of the war within the year, that it would operate as a moral check upon our martial enthusiasm, and make us consider well what steps we took, when every step was to involve a large increase of taxation. He was one of those who approached this question of the war with much hesitation, and for the simple reason that he had not sufficient information to form a correct opinion as to the policy of the Government. He was still more perplexed when he tried to found himself upon authority, there being such extraordinary differences from hour to hour in the statements of the Minister of the Crown as to what were the objects of the war. They were told by a noble Lord in the other House, that the sole object the Ministers had in view was to resist the aggression of Russia; then, they were told, it was to secure the privileges and civil rights of the Christian population in Turkey, and now they heard the noble Lord the Secretary for the Home Department informing them, that there was no reason to complain much of the conduct of the Turkish Government towards its Christian population, and that it would be very strange for the Government to pursue the same course as Russia, and endeavour to have a protectorate over the Christian population of Turkey. To a person like himself, seeking for information and anxious to bow to authority, it must be admitted such differences of opinion and such varieties of declaration on the part of the Ministers of the Crown were very perplexing. Again, Lord Stratford de Redcliffe, in a recent despatch stated that no steps ought to be taken to admit Turkey into the European family of nations until positive guarantees were obtained for the civil rights of the Christian population. That was a much larger demand upon the Turkish Government than were religious privileges. If England and France were to demand that the Christian population of Turkey should enjoy political and civil rights, and share in the administration of the affairs of the country, they would make demands much more inconsistent with what was called the independence and integrity of the Sublime Porte than any demand for freedom of religious worship. The demand of equal civil rights for the Christians would in fact be to put aside the Turkish rule. The question then came to be, were they in a condition, consistently with their duty to the people of this country, to take upon themselves the heavy responsibility of governing the Christian population in Turkey, and to govern them, moreover, through a Turkish medium? Perhaps the avowal of an intention of taking care of the privileges of the Christians was one intended merely to quiet the misgivings of some tender consciences. Previous to the French occupation of Rome, it was said that occupation should not be sanctioned because the Pope was to be restored, but then it was to be a Pope with a constitution, and all the violent Protestants were at once satisfied. Now they were told they were going to support the independence and integrity of Turkey, but then it was to be Turkey with reforms and civil rights to the Christian population. He believed, when the war was over, they would hear no more of these guarantees and securities, because he could not conceive how it was possible for the English Government to enforce them. Were they to be satisfied with a mere promise? Supposing the promise to be broken, or supposing the firman to be totally ignored in the remoter provinces, were England and France to enforce the guarantees upon the Turkish Government? It appeared to him the question was involved in the greatest difficulties; for we could only do so by taking on ourselves the actual government of the Christian population in that country. It appeared to him, from the speech of his hon. Friend below him (Mr. Layard) that the Turkish Government, as it now stood, was no Government at all, because it required all kinds of independent jurisdictions, consuls, and ambassadors, and other functionaries to uphold it. Sometimes our policy was one of interference, sometimes one of defence and integrity; and, for the life of him, he could not comprehend what it was that the Government were about to do with regard to this question of the civil rights of the Christians in Turkey. Would any Member of the Government inform them if anything in writing relating to it had passed between the English and French Governments, whether there was to be a convention; and, if so, whether it would be placed before the House, so that it might judge of the responsibilities which it was about to undertake? The description given by an eminent French statesman of the present state of the Turkish empire entirely tallied with that which had been given by his hon. Friend (Mr. Layard). M. Lamartine said that the Ottoman empire was no empire at all, but a misshapen agglomeration of different races, without cohesion between them, with different interests, without a language, without a religion, without union or stability of power; that religious fanaticism was extinct; that the fatal system of administration had devoured a race of conquerors, and that, in short, Turkey was perishing for want of Turks. He believed there was a great deal of truth in that description, and that it would be impossible to maintain the integrity and independence of the Turkish people in Europe; and, if it could, it was a question whether it ought to be maintained? Were we, the English people, in order to satisfy some political theory with regard to the balance of power, to rivet on the Greek population a Government which they detested? For no one could deny that there was not a Greek subject who did not retain within his breast the greatest hatred and detestation of the Ottoman empire. He could be no party to such a doctrine, for it appeared to him to be a most tyrannical doctrine. The attempt on the part of Europe to impose for all time the Turkish rule upon the Greeks was an attempt to tie the living to the dead. The remarks he had made had reference to the welfare of this country, for he wanted to guard against our being dragged into an indefinite responsibility, and he protested against the doctrine that we were entitled to rivet any form of Government upon any population contrary to the declared wishes of that population.

SIR ROBERT PEEL said, though he agreed with much of what had been advanced by the right hon. Gentleman who last spoke, yet when he said that opinions had been expressed in another place, and repeated in that House, which he could neither define nor understand, he (Sir R. Peel) could not agree with him. He had followed from its earliest commencement the policy of the Government throughout the whole of the protracted negotiations upon this question, and he thought it would not only bear the closest scrutiny, but would not fail to carry with it the favourable expression of public opinion. He was glad that the hon. Member for Pontefract (Mr. M. Milnes) had brought forward this subject of the Greek population, because it appeared to him that now—most essentially before any serious engagement took place, either of a maritime or a military character, between the Western powers and Russia—that Parliament should have an opportunity of deliberating on the state of the Greek Christian subjects of Turkey, to consider their present welfare, their future hopes, their interests, he would not say their independence. The Greek insurrectionary movement began on the coast of Albania, and had now, he found from the papers, spread over the classical plains of Thessaly. This was not the result of any new-made crisis in Eastern affairs, nor did it originate from the dispute of 1852, but long before. That dispute, as they all knew, began in some contest between the Greek and Latin Churches, in reference to certain prerogatives at the Holy Places in Bethlehem; but that was settled. He looked upon the insurrectionary movement which had occurred, as a consequence of the state of things which had so long existed; a state of things which had so long attracted the attention and engaged the solicitude of all the Cabinets of Europe. He believed he could appeal to the noble Lord the Member for Tiverton (Viscount Palmerston) and the noble Lord the Member for the City of London (Lord J. Russell) if such were not the case? The latter noble Lord had said, most justly, that the present state of the Greek population did not arise immediately from the dispute of 1852. He had found, the other day, a remarkable expression of M. Guizot, in the Chamber of Peers, so far back as 1842, that a movement was going on among the Greek population, and had been going on for the last forty years, which must terminate in insurrection and separation. There was talk about the support of Turkey being necessary for the preservation of the balance of power in Europe; but it was the jealousy of half the European Powers, and the fears of the other half, which really maintained the independence of the Ottoman empire. They might adjourn the day of reckoning, but that day was evidently and steadily advancing, and the very spirit of the Greeks would prevent a long postponement. The safety and firmness of every State depended on the vigour and the intelligence of its Government, and when a Government was destitute of means to repress insurrectionary movements, its weakness was evident. He placed no reliance on the fanaticism of the Turks, for it was morally impossible for them to maintain their present position. The nations of Europe had derived their civilisation from the East; but while they had been strengthened by the cultivation of the arts and sciences, and the development of the human mind, the condition of Turkey, from the most brilliant period of her military splendour down to the present day, had been unstable, because it had failed to cultivate the same arts which had caused in the other nations of Europe the advances of civilisation, and the best site in Europe had continued to be contaminated by what was called a "moral pestilence." As for Turkish industry there was no such thing. In whose hands was the trade of Turkey? In the hands of aliens, of Armenians, of Greeks—those very Greeks who now burned with recollections of bygone glories, and who possibly anticipated future fame. Was not that feeling natural to them? Twenty-four centuries ago Athens was a proud city, and Pericles was a proud ruler over her. Her inhabitants were the rulers of the world, and was it not natural for such a people to hope for national greatness? He (Sir R. Peel) was in favour of the development of Greek independence. He opposed every attempt to keep down crushed nationalities—he hoped to see Poland once again unfolding her limits on the face of the map of Europe, as he hoped also to see Greece; but, at the same time, he hoped the Greeks would be guided by the advice and the spirit of public opinion in this country, and feel that the present was not the moment for insurrection on their part. Insurrection might check the Western Powers, and therefore injure the interests of the Greeks, for the task which the Western Powers had undertaken was to resist the aggressions of Russia, and drive her back within her proper limits. The next thing after that which they would have to do would be to enter into some arrangement which would put a stop to Turkish rule in Europe. They must do away with Turkish rule, and drive it, if not so far as Lord Shaftesbury wished, beyond the Euphrates, but certainly beyond Europe. He perceived that the Emperor of Russia had declared that he undertook war against the enemies of Christianity. The Emperor pretended that we were the enemies of Christianity, of which he was the advocate, and he appealed to his people on that ground: it was therefore necessary for us to wipe away that miserable slander, and to show that the charge was nothing but a blasphemous attempt to sanctify his crime on the part of the utterer. They should, however, see what they were going to do now they were about to be engaged in a war, the consequences of which it was impossible to foresee. Many persons said if the Government would tell their intentions they would know how to proceed. He (Sir R. Peel) was not a Member of the Government, but he thought he could tell the House something they were going to do. They were about to engage in a war, not for the purpose of upholding an effete system of Government in Turkey, but for the purpose of resisting the dangerous aggressions of Russia. We did not undertake the war from personal or selfish motives, but in the interests of civilisation and humanity, because, as he believed, the liberties of Europe were imperilled by the odious tyranny of a despot who knew no limitation of his power but what his own ambitious lust might suggest. We were about to embark upon a war after temperate and wise negotiations, and those negotiations having failed to convince the Czar we were about to enforce our opinions in another way. In conjunction with France, we had been mainly instrumental in inducing Turkey to resist the idea of handing over to Russia the material and spiritual government of 11,000,000 of slaves. What were we going to do? As soon as the advances of spring relaxed the harshness of winter, we were going to enforce at the mouth of the cannon that which we had failed to do by negotiation. Having exhausted all arguments, we were compelled to adopt the *ultima ratio* of nations. He remembered a remarkable expression of the noble Lord the member for the City of London (Lord J. Russell), who, when we were talked about as being enemies of Christianity, showed that it was Russia that was so, because she did not hesitate to make the tomb of Christ the occasion of quarrel among Christians. He was ready to accept the responsibility of the war, and so, he believed, were the great body of the people; and he also believed that the policy adopted by the Government, instead of being weak and vacillating, had been straightforward, conducive to the honour of the country, and the best interests of civilisation. He hoped and believed that our arms would maintain our ancient fame, and that our fleet, which had just sailed—which had not declared war, but which had orders to declare war as soon as it could—he hoped it would have an opportunity soon, and that Napier would prove he had to avenge the blood of thousands of Christians, of the blood of Sinope—and that he (Sir R. Peel) believed he would do, under the permission of Providence, and make Russia feel not only the enormity of her demands, but the utter disregard she had shown to every principle of law, interest, or character in Europe.

MR. DRUMMOND said, he had not risen till this late hour in the hope that some hon. Gentleman would have saved him the trouble of alluding to the subject to which he briefly wished to call attention. It was with great regret that he had read that an attempt had been made, he must not say more, to engage the religious enthusiasm of the country on this side of the war, and to involve her Majesty's Ministers, as far as very indiscreet council could involve them, in questions which he thought they would do much better to avoid, not only because they were themselves improper, but because, if they had attempted negotiations on such a subject, their negotiations must utterly have failed. He alluded to the expression which had been used that this was not only a religious war, but that we were to enter into treaties to insure the religious toleration of the Christians in Turkey, and he would beg the House to call to mind for a moment how it was that one of Her Majesty's Ministers was to make that attempt. He was to enter into negotiations and to conclude a treaty with the Turks; but how was he to enforce it? Every nation that signed a treaty was bound to enforce it by proclaiming war against the Power that broke it; but had they been able to make Austria and Prussia enforce the treaties which Russia had violated? Certainly not. And did they suppose that the Greeks would believe in, or would act in consequence of any treaty which they might enter into with Turkey? The Greeks would have a just claim to say, "We do not trust your treaties; we cannot believe in them." But, further, if they entered into any treaty with the Greeks, with what sect would it be? They had no head, and there was no responsible body with which they could treat, and it would therefore be impossible to do so. But, still more, had they forgotten that they were going hand in hand with the French? The Emperor of the French had drawn them into this quarrel in order to support his own claim and that of the Latin Church. Was it hand in hand with him that they were going to enter into a treaty of toleration? Did he understand toleration in the sense in which we used that word? Was it possible that we and he could agree what toleration was; or that the Pope, who instigated him, could have toleration at all? If we instigated him to toleration, would not the end of his toleration be that he would be obliged to fly in the course of a week? and the only place in Europe that would tolerate him would be Great Britain. But they were told, in the course of this extraordinary debate, that we were going to establish Protestantism. Now, he should like very much to know, and it was a pity that the great theologian who had spoken in another place had not favoured them with a definition of Protestantism. Did he mean that they were to establish the Church of England? He supposed he did, because we had sent a bishop there—why or wherefore nobody seemed to know. But then the census had shown that one-half of the population of this country did not agree with the Church of England. How, then, was the Minister to enter into a war, or to make treaties to set up a Church that was only supported by half of the population? Nor was that all. When they got the consent of those people, they came to the fact that a great part of those cruelties that they laid to the charge of the Turks had been instigated by one Christian sect against another—that repeatedly it was a pasha instigated by the Greek Church against the Latin, and often a pasha instigated by the Latin Church against the Greek. He should like to know how it was possible to compose, or even to deal with these differences. But then, if it was to establish Protestantism, how could they ask France to assist them? And then might not the Sultan fairly say, "Show me an example of what you mean by Protestantism?" Of course it would be easy to say in reply, "See what a harmonious people we are here—what a delightful spectacle our civilised nation presents!" But there were other Protestant countries to which he might look. There was Prussia—that faithless country, that had ever deserted us in our hour of need, and which ever since it was a kingdom had deserted every Power that supported it; that had always gone over to the strongest, and taken advantage of the weak in their hour of greatest weakness—a country that had been ever ruled by philosophers and schoolmasters, whose religion was a sort of neology, that turned everything sacred into a myth—which had no morality, except that of despising the institution of marriage—for he had lately read of a man playing a rubber of whist at Berlin with three ladies, each of whom had once the happiness of being his wife. They might, indeed, fairly point to Prussia as an instance of the civilisation produced by that kind of Nothingarianism called Protestantism. His counsel would be for the Ministers to avoid all questions of that sort, and not to encourage one sect to be crying down the other, but to rest assured that if they attempted to meddle with the dispute they would be more likely to kindle a religious civil war throughout all Europe than by any other measure they could take.

MR. MILNER GIBSON said, he only rose to ask whether there would be any objection to lay on the table a copy of the convention that was to be proposed to Turkey by France and England with reference to religion.

VISCOUNT PALMERSTON said, that when any treaties were concluded they were laid before Parliament; that projects of treaties were not so laid before Parliament; and that the convention asked for could not be.

Motion, by leave, *withdrawn.*

WAYS AND MEANS—INCOME TAX.

Order for Committee read.

Motion made, and Question proposed, "That the Speaker do now leave the Chair."

MR. DISRAELI said he objected to the House going into a Committee of Ways and Means at that hour, to debate the Resolution of the Chancellor of the Exchequer.

THE CHANCELLOR OF THE EXCHEQUER said, no notice had been placed on the votes, and he was not aware that it was intended to oppose the Resolution. If it was intended to debate the question, he would not ask the House to go into Committee for that purpose now, but he thought it would be for the convenience of the public service that the Resolution should, in the mean time, be agreed to. However, he was altogether in the hands of the House as regarded the matter.

Mr. DISRAELI: It will be remembered, Sir, that when the financial statement was made, no debate, properly so called, took place. There was some discussion as to particular points of finance, but none of those observations bore any relation to the general proposition before us, and I stated for myself on that occasion that I reserved to myself the right of entering into such discussion. I wish the House to carry along with it the position in which we stand. The House will, of course, be prepared to support Her Majesty in carrying on the war into which we are apparently entering; but at the same time it does not follow as a necessary consequence that the form in which the supplies are prepared by Ministers is the best that could be approved by the House. Let me recall the recollection of the House to the proposition before it—a proposition which virtually doubles a tax that has been subjected always to considerable criticism, both within and without this House. The income tax is that tax which most of the Gentlemen who now sit upon the Treasury-bench have described as an unjust, an oppressive, and an inquisitorial tax. I do not say that these are reasons why it may not be the duty of the House of Commons to vote an increase of the tax if an exigency demands it; but it is a reason, when statesmen of such high character and influence have described a particular tax by such epithets as unjust, oppressive, and inquisitorial, that we should not come to votes about such a tax without deliberation. But is this all? The hon. Member for Montrose (Mr. Hume) has paid great attention to this tax, and he moved for a Committee, which sat certainly for two Sessions, to deliberate on the mode by which it could be rendered less unjust, less oppressive, and less inquisitorial. There was a very strong feeling in a great party in this House that there was one means by which that object could be attained—namely, by altering the mode of assessment for the different schedules. Hon. Gentlemen on the other side of the House were accustomed to declare that unless there was an alteration in the assessment of the duty on trades and professions, they would, under no consideration whatever, agree to the renewal even of the Income tax which now exists. The late Government made a proposition, which they thought politic and just, to remove some of the objections in that respect. It was received by many Gentlemen opposite with great favour and commendation. Unfortunately, however, the late Government were not successful in carrying it; but in opposition they asserted the constancy and sincerity of their convictions, and they gave the House an opportunity of declaring their deliberate, and, I suppose, final opinion upon that question. But what were the arguments that we heard even from hon. Gentlemen opposite who were favourable to the plan which was proposed and supported by the late Government for voting, and avowedly voting, against their conscience and their convictions? I need not remind the House of the peculiar reason that was given. The reason given was, that if they disturbed the present Government, they would endanger obtaining a large measure of Parliamentary reform. Now, I beg to remind them that they have the income tax without that modification which they said was so absolutely necessary—they are also likely to have that income tax doubled, and they do not at present seem to have much chance of obtaining the large measure of Parliamentary reform, which was the condition on which they gave their adhesion to the Government, that being the principle on which the present Government came into power. Well, now, this is the tax which you are called upon virtually to double. It is the unjust, the oppressive, the inquisitorial tax, which you could not tolerate except you obtained a large measure of Parliamentary reform as the price of your unqualified allegiance. It is, therefore, no ordinary impost which the Chancellor of the Exchequer has proposed. It is not a financial proposition which, however grievous, you may feel under the circumstances you have no alternative but to accede to; but it is doubling that particular tax which has been branded by the opinion of every statesman opposite, and with which you are connected by the peculiar influences that induced you last year to vote against a policy which you approved to gain a boon which you have not received. I am not, however, disposed, at twelve o'clock at night, to enter into the consideration of this question. I cannot, at twelve at night, ask the House to consider whether, in the exigency in which we are placed, this is the wisest and best proposition which can be offered by the Government. We must consider the finances and resources of the country in many aspects before we can arrive at that conclusion. We must ask ourselves, also, the question, why is this increase of our taxation demanded, and what is the object of the mysterious struggle in which this country, we are now told, is about to engage? When we were addressed in Her Majesty's Most Gracious Speech at the opening of Parliament, no wonder there was a ready response to the appeal of the Sovereign, when Her Majesty called upon us for our aid at a great emergency, and told us that she had, with the frankness which became a constitutional monarch, ordered all those papers to be laid upon the table, which would explain the circumstances that had rendered this appeal to us necessary. Her Majesty said:—

> "I have directed that the papers explanatory of the negotiations which have taken place upon this subject shall be communicated to you without delay."

But is there any Gentleman in this House who can say that all the papers explanatory of the state of affairs that has brought about this appeal from the Finance Minister really have been laid upon this table? What is the question that I have félt it my duty to ask, even to-day? Does not that lead the House to believe that there are yet documents to be placed upon this table which may throw a new light upon the cause and upon the object of this war? and is it not prudent that we should at least have the opportunity of perusing and considering those documents before, at past midnight, we are called upon hastily to pass a Resolution, which is to double the most grievous, the most odious, the most unjust, and the most inquisitorial impost of any that figure in the Budget of the Chancellor of the Exchequer? I think, therefore, under these circumstances, the House will feel with me that, it is better this Committee of Ways and Means should be postponed until another day, until Friday next, when you, Sir, I hope will leave the chair at an early hour, and we shall have the opportunity of entering into the discussion of this important question perhaps with the advantage of the supplementary documents promised us to-night, which, I trust, will be given to us *in extenso*, and which, perhaps, may allow us to form a more correct opinion as to the prospects of the termination of this war, as well as of its cause, than we at present possess. Upon the subject of these documents I will only make one observation to Her Majesty's Ministers. The papers on the table, according to a salutary custom, are copies and extracts of the correspondence which has taken place in respect to the negotiations relative to the Eastern question. When a body of diplomatic correspondence is put before the House of Commons, nothing can be more proper than that passages of a confidential nature should be omitted. But the correspondence respecting which I have addressed a question to the Ministry to-night is of a totally different character. It is altogether and entirely a confidential correspondence. It is a correspondence which, according to the usual rules, according to the ordinary routine, would be altogether and properly omitted, perhaps, from the papers which have been laid before us. But it is a correspondence which, on the other hand, if it be given at all, should be given completely. You cannot have extracts from a confidential correspondence; I trust, therefore, that Her Majesty's Ministers will bear this in mind, and that the whole of that correspondence referred to in the *Journal of St. Petersburg*, and the whole of those answers referred to in the other authoritative print at home, will be laid upon this table, I hope, before the Chancellor of the Exchequer asks for that important Vote which is now upon the paper.

THE CHANCELLOR OF THE EXCHEQUER said, he proposed to take the regular course in such a case as the present. The House would recollect that at this moment the Resolution had not been proposed, and the only way by which he could propose it was by going into a Committee of Ways and Means. He proposed, therefore, to go into Committee, to have the Resolution read, and then to move immediately that the Chairman report progress and Mr. Speaker resume the chair.

Question put, and *agreed to.*

Ways and Means *considered* in Committee.

Motion made and Question proposed:—

> "That it is the opinion of this Committee, that, towards raising the Supply granted to Her Majesty, there shall be charged and raised for the year commencing on the 6th day of April, 1854, for and in respect of all property, profits, and gains, chargeable in or for the said year with the Rates and Duties granted by the Act 16 & 17 *Vict.* c. 34, additional Rates and Duties, amounting to one moiety of the whole of the Duties which by virtue of the said Act shall be charged and assessed, or shall become payable under any Contract or Composition, or otherwise, in respect of such property, profits, and gains respectively, for the said year; and that the whole amount of

the said additional Duties shall be collected and paid with, and over and above, the first moiety of the Duties assessed or charged by virtue of the said Act for the year aforesaid."

House resumed; Committee report progress.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, March 14, 1854.

Minutes.] Public Bills.—1ª Mutiny.
2ª Testamentary Jurisdiction.
Reported.—Consolidated Fund (£8,000,000).

THE POST OFFICE—COMMUNICATIONS WITH THE NORTH.

Earl GREY *presented* a petition from Newcastle-upon-Tyne, Shields, and Gateshead Chamber of Commerce, that the present line of postal communication between London and Newcastle-upon-Tyne may be changed. The noble Earl pointed out the great inconveniences arising from the transmission of the north mails by the London and North-Western Railway *viâ* Derby, instead of by the Great Northern, and expressed the hope that the delays and irregularities which had hitherto occurred would be prevented in future. The number of letters received at the Newcastle post office averaged about 7,000 weekly, while the population which suffered from the existing imperfect arrangements amounted to nearly 700,000. He believed an offer had been made by the Great Northern Railway Company to convey the mails to and from the North of England for about 6,000*l*. per annum, and, if so, he did not think it was reasonable that an important district, which contributed largely to the revenue of the country, and was engaged in many great branches of industry, should be exposed to inconvenience for so paltry a sum. He perceived that a Committee had appointed by the other House to consider the subject; but he believed the grievances complained of by the petitioners called for a much more speedy remedy than that of a Committee.

Viscount CANNING said, he understood it was the intention of the Select Committee appointed by the House of Commons to deal in the first instance with the subject-matter of the petition which the noble Earl had presented to their Lordships. The grievances complained of might be divided into two points: the irregularity in the delivery of the mails, and, next, the circuitous route which had been chosen for their transmission. He did not wish to enter into any lengthened details upon the present occasion; but he would repeat what he had said on a former evening, that one of the chief causes of the recent irregularities in the transmission of mails was, that Parliament had not thought proper to invest the Postmaster General with sufficient power to compel railway companies to perform their engagements with the Post Office. But although there might be some reason to complain upon that head, he was happy to state that he had entered into negotiations with the principal companies for the purpose of coming to an amicable arrangement, by which delays and irregularities would in future be avoided; and he trusted his exertions would be productive of some beneficial result. Should, however, his expectations be disappointed, it might become necessary to apply to Parliament to invest the Postmaster General with greater powers for the enforcement of that strict punctuality which the public service required. With respect to the route by which the mails to Newcastle and the north were conveyed, he did not deny that the postal communication between several parts of the country, especially towards the east coast, was subject to some delay, in consequence of the employment of the London and North-Western Railway; but he was not sure that, if the Great Northern line were employed, that delay would, to any appreciable extent, be diminished. The London and North-Western Railway had been chosen neither from motives of economy, nor with a view to what, he observed, was called in the petition from Newcastle the centralisation of the mail service. He could assure their Lordships it was no easy matter so to arrange the system of postal communication as to do equal justice to all parts of the country; and the chief object for which the Derby route had been selected, in preference to that of the Great Northern, was, that the mails might arrive in the different towns and districts at as near the same time as possible. It had been said that the Postmaster General had imposed upon the railway company the necessity of carrying the mails between York and Newcastle at the rate of forty-five miles an hour. The Postmaster General had no such power, and the greatest speed at which he could compel the railway companies to carry the mails was twenty-seven miles an hour. He did not know that there was any case in which the Post Office had called upon the railway companies to use greater speed, and he was very sure that the express trains were driven at a much more rapid rate than the mail trains. If, therefore, the mail trains between York and Newcastle travelled at a greater speed than those upon other lines, it was not in consequence of any obligation imposed upon the railway company by the Postmaster General, but was simply an act arising out of the free-will of the directors themselves. He denied altogether that a desire to economise the expenditure of his department was one of the moving causes why the Postmaster General refused to carry out all the recommendations of the petition; although, no doubt, the Postmaster General was under a heavy responsibility in regard to the pecuniary concerns of the great branch of the public service entrusted to his care, and it was unquestionably his duty to take care that not a single farthing of the public money should be expended in a useless or reckless manner. Hitherto it had never been the custom for the Post Office to submit its accounts to the inspection of the House of Commons; but he was happy to say that this year, for the first time, that course was to be adopted. The accounts of the expenditure of the Post Office for the past twelve months, and the estimates of the expenditure for the coming financial year, had been prepared, were now in the hands of his right hon. Friend the Chancellor of the Exchequer, and would be laid before the House of Commons, where every separate item would undergo that full and searching discussion which was usually accorded to the other Government estimates. When that discussion took place, their Lordships would have an opportunity of seeing the mode in which the revenue of the Post Office was expended, and he believed the result would be to free that department from the blame which had been unjustly imputed to it, whether upon the ground of negligence, extravagance, or parsimony.

THE ALLEGED BETRAYAL OF TRUST AT THE FOREIGN OFFICE.

THE SECRET CORRESPONDENCE BETWEEN THE ENGLISH AND RUSSIAN GOVERNMENTS.

THE EARL OF MALMESBURY: My Lords, I crave the indulgence of your Lordships for a few moments while I refer to a subject which certainly interests me personally, inasmuch as it appears to reflect upon an appointment which I made when I had the honour of holding the office of Minister for Foreign Affairs. I allude, my Lords, of course, to the charge made by the noble Earl at the head of the Government last night—a charge which, your Lordships will recollect, was somewhat to the following effect. The noble Earl having been told by my noble Friend behind me (the Earl of Derby) that it was extremely to be regretted that certain secret and confidential communications which had passed between the Governments of England and Russia should have been put forth to the country in the shape of a leading article in one of the daily journals of this metropolis before they were known to Parliament, some even after they had been refused to Parliament — the noble Earl replied in a manner so earnest that nobody could doubt the accuracy of what he said—and certainly I did not doubt it for a moment—that he himself had nothing whatever to do with those communications which the *Times* newspaper had received —that he was totally unable to conceive in what way the *Times* had obtained possession of those communications, but that he supposed it was very probable they had been given to the *Times* by a clerk in the Foreign Office appointed by me—one no longer a clerk in the office, who had—I here quote the words of the noble Earl as they are reported in the journals of this morning — "scandalously betrayed" his trust as a recent servant of Government. My Lords, I confess I was taken extremely by surprise when the noble Earl made that statement; and your Lordships could hardly have expected me to recollect immediately the persons who, during my tenure of office, however short it may have been, I had appointed as clerks in the Foreign Office, under what circumstances they were appointed, and whether they had left the office, or were still employed in it. But, my Lords, since last night I have been able to look over my memoranda upon the subject, and I find that during my tenure of office I appointed four gentlemen to be junior clerks in the Foreign Office. I have ascertained that at the present moment three of those gentlemen remain at their posts, and that the fourth—and who, therefore, can alone be the person to whom the noble Earl referred, if he alluded to any of the four—has left the office about six months; not dismissed from any misconduct on his part, but simply in consequence, as I have been told at the Foreign Office itself, of having contracted a marriage with a lady of considerable fortune. My Lords, that being the case, I trust the noble Earl, for the sake of this gentleman himself, and for the sake also of the other clerks in the Foreign Office—who, certainly, as a body of men, are highly proud of their character, and who feel deeply the observations made upon one of their number last night—will not think it derogatory to himself, or to the high position he occupies, frankly to own he has been mistaken with respect to the communication of the documents in question to the *Times* newspaper. My Lords, when I consider the high recommendations of this gentleman which I received before I appointed him; when I recollect that not only he, but the other three gentlemen who were appointed by me, were strongly recommended, not alone by their previous merits and services, and by their education, but likewise either by the personal knowledge which I had of them myself, or by the recommendations of many Members even of this House, I cannot but think that the noble Earl was mistaken in some way or other when he made that charge. But your Lordships will probably have read this morning the statement of the *Times* newspaper itself with respect to this subject. As clearly, and as positively as it can write, it declares that it never had any communication with this gentleman on the subject-matter which he is supposed to have divulged in some way or other, and which certainly reached that journal; but more than that, I am authorised by a noble Viscount, whom I now see in his place, and who, I believe, is himself a kinsman of the gentleman who recently left the Foreign Office, to state that he called this morning upon the editor of the *Times*, and that that gentleman assured him that he never received any communication from the gentleman referred to whilst he was a clerk in the Foreign Office, that he had not received a word from him respecting any public matter since, and that for the good and simple reason that he is totally and entirely unacquainted with him. Under these circumstances, I trust that the noble Earl will—as I am sure every Member of your Lordship's House would do under similar circumstances—rise in his place, and state that, in whatever manner the *Times* newspaper has learned any secrets—which it would have been certainly better for the public benefit had it never been divulged—he is convinced that these secrets were not obtained through the medium to which the noble Earl referred last night.

The Earl of ABERDEEN: My Lords, I am happy that the noble Earl has made this statement to the House, for I am very desirous that this matter should rest entirely upon the most accurate foundation. Your Lordships will recollect that the noble Earl who introduced this subject last night intimated in no very obscure language that he imagined I was the source whence this information was derived. Rejecting that insinuation in the most peremptory manner I possibly could, I certainly did say that it was possible—I never made the assertion, or expressed a belief—that the *Times* newspaper might have derived its information from the gentleman to whom I referred. What I had heard was this—and what I repeat is—that that gentleman had talked of this correspondence, and of his knowledge of the contents of that correspondence which has been communicated to the *Times*. I am so certain of this, that, although he certainly did not mention it to me, I have heard it mentioned in so many different quarters that I am quite satisfied to refer it to the gentleman himself; and if he says that he did not mention the existence of this correspondence, and the nature of its contents, then I will confess that I have been more deceived than ever man was. I refer it entirely to his own statement, and I am sure—for I have ascertained it from quarters I cannot possibly doubt—that the subject was mentioned with so little hesitation and concealment that the gentleman himself will avow that he has more than once referred to the correspondence in question. Now I never stated that the *Times* newspaper derived its knowledge from him; but in the heat of the moment, and in reference to the insinuation of the noble Earl, I certainly did refer to a quarter from which it might possibly have come. What is stated openly in one society may very well be known in another. But, after all, the noble Earl himself (the Earl of Derby) stated last night that he was aware of the existence of the correspondence at the beginning of the Session. How did he learn it? Certainly not from me. I again say that I make no charge with respect to this particular transaction; but I think it an act of imprudence on the part of this gentleman to have talked in the way he did about the contents of correspondence of which, certainly, he had cognisance only in the most confidential manner, and the existence or nature of which he ought not to have revealed. Further than that, I make no charge; and I repeat that I believe the gentleman himself will not deny what I have stated.

The Earl of MALMESBURY: The noble Earl has stated that, from his own knowledge, he is certain that this gentleman has divulged secrets which he ought, no doubt, to have kept to himself. But I do not quite understand the noble Earl, because he says he has heard this from so many quarters that he can have no doubt of its truth. From the statement made by the noble Earl last night, it must have been only to-day that he has learned even the name of the gentleman against whom the charge was brought; because the noble Earl distinctly told me last night, when I asked for his name, that he did not know it. Therefore, it is only to-day that the noble Earl has investigated the matter, and assured himself of that which he stated last night. [The Earl of Aberdeen expressed dissent.] All I can say then is, that it is a most extraordinary thing that he should have heard statements of such importance as that made by his Colleagues or Friends, whoever they may be, that a clerk in the Foreign Office had divulged those secrets, and yet that the noble Earl should never have heard his name, or had the curiosity to ask who he was, for it is only to-day that the noble Earl has asked the question, and discovered who that gentleman is. When yesterday I asked the noble Earl the name, he told me that he did not know it, and yet he described him at the same time as a gentleman who had been engaged in the Foreign Office, but who was no longer in that department. I cannot help making the remark that the way in which the noble Earl has brought forward this subject has not been that which reflects credit on your Lordships' House. If this gentleman has been guilty of the scandalous breach of trust with which he is charged, he ought to have been dismissed from the situation which he held, by his superiors in that department, and ought not to be shielded by any Member of Her Majesty's Government. Again I say that the manner in which the subject has been brought forward, and the manner in which the noble Earl has closed it, has done little honour to your Lordships' House, and I trust it will be the last, as it is the first time I have witnessed anything of the kind.

THE CIVIL SERVICE—

EXPLANATION — OPINION OF SIR JAMES STEPHEN.

Earl GRANVILLE, before the Order of the Day was read, wished to refer to a personal matter, but one of such a nature as could not excite discussion. In the course of some few observations which he had made last night, in reply to the observations of the noble Lord on the cross-benches (Lord Monteagle), with reference to the civil patronage, he referred, in order to weaken the effect of so great an authority on these matters, to the most competent persons in this country who had taken a different view of the matter. Among these he mentioned Sir James Stephen, formerly the Under Secretary of the Colonial Office. He had that morning received a letter from that gentleman, in which he said:—

> "I have never written a word on the subject. I have never given an opinion respecting it. I have never been asked for such an opinion, except in an informal and unofficial note from a personal friend of my own, which I have omitted and declined to answer. Nor do I intend to write or to say what I think of the plan, unless I shall be formally and officially required by Her Majesty's Government to do so."

On the receipt of this letter he called on the gentleman who had given his authority to use the name of Sir James Stephen, and he stated that he had reason to believe that Sir James Stephen was in favour of this measure; but, on reflection, he considered that he was not authorised to give, as he had done, the authority of his name. In these circumstances he had only to apologise to Sir James Stephen and the House for the unintentional mistake he had committed. At the present moment it appeared that Sir James Stephen could not be quoted on this subject as either for or against the plan of the Government.

TESTAMENTARY JURISDICTION BILL.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR, in moving the second reading of the Testamentary Jurisdiction Bill, said, that about three weeks since, on the occasion of introducing the Bill, he had explained so fully the nature of the evils which required to be remedied, the attempts which had been made by successive Governments to find a remedy, and the recommendations of the last and previous Commissions on the subject, and how far he coincided with, or differed from, those recommendations, that he did not feel warranted in trespassing on their Lordships' time in the present stage of the Bill. Upon that occasion their Lordships appeared to receive the statement which he made with their general approval, and permitted the Bill to be read a first time. The measure had not been unfavourably received by the country in general; for, although he could not expect that in the present excited state of the country, a large amount of attention would be bestowed upon questions of this character, still there were many persons whose attention would necessarily be directed to the subject—namely, those whose interests were, or were supposed to be, affected by the proposed alteration. He might venture to say, that had the Bill been regarded by such persons as not entitled to a favourable reception by the Legislature, there could be no doubt that numerous petitions would have been presented against it. On the contrary, he was not aware that, with the exception of those presented that evening, there had been a single petition presented against the Bill. Let their Lordships examine the nature of these petitions. One of these petitions had been presented from York. Now, it was the misfortune of all those who attempted to effect legal reforms, that they felt of necessity that they must cause individual loss to persons who had profited—he did not say improperly—by the system which was proposed to be altered; and probably there was no place in the kingdom to which the alterations proposed in the Bill would apply more stringently, and with a more injurious effect upon the interest of a particular class of persons, than at York. He was not, therefore, surprised that a petition against the Bill should have emanated from that city. But what did the petitioners propose? If he understood the petition aright, they proposed that their Lordships should continue throughout the whole country the system of district registrars for contentious as well as non-contentious business. Now, who would be the individual who would venture to propose such a measure as this to their Lordships? To call into existence a body of courts which would not possess an adequately learned and efficient bar or bench to dispose of contentious business, would be a mockery, and would lead to nothing but difficulty and disappointment—it was a system which no one would venture to propose. His noble and learned Friend (Lord Lyndhurst) had once, he thought, made such a proposal, but it was received with such universal disapprobation, that it was dropped. A second petition had been presented by a noble Lord from various leading houses of business in the City of London. He was not aware what particular interest they had in the Bill; the names were those of firms of high standing and of great weight in the commercial world as enlightened and intelligent individuals. But what they proposed was, not that the matter should remain as before, or be distributed in district courts, but an entire alteration of the present system by the constitution of a new court of probate. A court of this kind was recommended by the Commissioners. He did not know whether the noble Lord was present when this matter was discussed:—it was then thought that no more inconvenient mode of disposing of the matter could be adopted than to constitute a new court which would be occupied only for sixty days in the year, and endeavour to find the necessary amount of work for it by thrusting on it the decision of other matters which had no relation to the subject-matter of its jurisdiction. The argument of the petitioners was, that by taking cases of this sort to the Court of Chancery, the suitors would be involved in the unnecessary and proverbial delay of that court. Now he might be thought a very silly person, but he believed that in none of the Superior Courts of Westminster was business despatched with so much rapidity as in the Court of Chancery. There were, of course, cases which could not be disposed of with so much rapidity—such as cases of very complicated accounts or trusts, which, from their nature, were to endure for twenty or thirty years, and unless they continued in the Court for that period, the Court would neglect its duty; but in all cases where despatch was necessary, there was no court where speedy process could be more easily obtained than in the Court of Chancery. What reason was there to suppose, that in testamentary affairs the same rapidity of decision would not be found to exist? The whole body of practitioners of the existing courts would come to that Court; the practitioners would, in the first instance, teach the Court, and he hoped the Court would in turn soon teach the practitioners, a better and more efficient mode of procedure. It seemed to him that the objections of the petitioners to the Court of Chancery were founded upon the erroneous and somewhat vulgar notion that everything was slow in the Court of Chancery; the contrary of this was, however, nearer the truth. Another petition had been presented from the College of Advocates, who founded their objections on the fact that, according to the present constitution of their body, questions of international law were, nearly exclusively, confined to them, and it was said that if this Bill deprived them of one branch of their profession, it would make it unprofitable—drive them away—and then there would be nobody left devoted to the study of the international law. Now, it seemed to him the oddest thing in the world, that the knowledge of international law should be the solitary exception to all other subjects of knowledge, and that the demand for it in this country would not produce persons who would devote themselves to its study, and make themselves masters of it. But it also seemed to him strange, that it should be thought necessary to keep up a number of courts to see whether people made their wills properly, in order to keep up a school for the study of international law. It might with equal propriety be argued that the whole subject of marine insurances, which certainly bore a greater resemblance to questions of international law than those which affected testamentary matters, should be exclusively confined to these courts. The last petition proceeded from the registrars and proctors, and the petitioners complained that the Bill would affect their interests. In all reforms there were necessarily some persons whose interests would be affected, and it was difficult to speak of giving compensation to persons whose claim for it arose only in consequence of your placing matters upon a better footing for the interests of the country at large, and by so doing diminishing the call for their services. He believed that the best mode to adopt in this case would be to allow the body of proctors and registrars to be gradually absorbed in the other branches of the profession; and by a provision in the Bill such persons would be permitted to enter into partnership with solicitors and others, where their peculiar knowledge could not fail to meet with success. These were the only objections which had been urged against the Bill, and he ventured to hope that their Lordships would have no hesitation in giving it a second reading. He proposed, if the Bill were read a second time, to refer it to a Select Committee, in order that its details might be fully and fairly considered. The Bill had necessarily been framed in a hurry, and there were, no doubt, many points upon which it would be desirable that the careful opinion of a Select Committee should be taken. The Bill came before the House backed by the almost unanimous recommendation of the Commissioners, and he hoped their Lordships would give it their sanction. The noble and learned Lord concluded by moving that the Bill be now read 2ª.

Lord BROUGHAM said, his noble and learned Friend had correctly stated that the Bill which he (Lord Brougham) introduced more than twenty years ago contemplated the abolition of the local jurisdiction and the transfer of the testamentary jurisdiction, not to the Court of Chancery, but to another court, namely, a court of probate. He stated on that occasion that his reason for objecting to the transfer being made to the Court of Chancery was that it would be a transfer from a bad to a much worse judicature, and would therefore meet with almost universal condemnation. But, happily, the Court of Chancery was not now what it was in those days. Their Lordships were aware that very great improvements had taken place in that court by means of measures sanctioned by the Legislature, altering its constitution in some of the most material respects, increasing the judicial force of the court, and by the labours of his noble and learned Friends (the Lord Chancellor and Lord St. Leonards), and especially of the latter, by the orders which they had so wisely and judiciously framed to improve the practice of the Court. He must, however, state that there was an argument in favour of a separate court of probate which appeared to have escaped his noble and learned Friend (the Lord Chancellor). He did not see how the Court of Chancery could afford sufficient time to the effectual performance of the additional amount of labour this Bill would cast upon it. He must remind his noble and learned Friend that he ought to take into account not only the days occupied in court in hearing testamentary causes, but the days occupied out of court by the Judge in disposing of causes which he had heard in court. As to the amount of time which would be required for the performance of business of this nature he had a very great authority. Sir John Nichol, one of the most learned and also most industrious Judges that ever adorned the bench, asserted that, on an average, beside the sixty days which he sat in court to hear causes, the reading the papers especially, and the considering the arguments in those causes, occupied on an average three days more for every day in court, making the total amount of time consumed in disposing of the testamentary causes, not sixty days, but 240 days; and if the learned Judge, before whom those causes were to come, after the transfer, gave the same degree of attention to them, and occupied the same time in their disposal, the consequence would be, he was going to say, a bankruptcy of the court to which the transfer was given, for 240 days amounted very nearly to the whole of the judicial year. At all events very great pressure would exist in the court after the transfer; and the question was, how that pressure was to be got rid of? It might be done in this way: Sir John Nichol's calculation was founded on the nature of the proceedings in those courts, and more especially on the immense mass of papers which it was necessary to read. He (Lord Brougham) hoped the proposed transfer would be accompanied by a material substitution of oral for written evidence in the court to which the transfer was made. He confessed, too, that he really felt, as an old friend of the profession and of the courts in question, and of the individual practitioners in those courts—many of whom he had long known and highly esteemed and admired for their talents and learning, and for their great integrity as professional men—no little vexation and sorrow at the blow which this great change in our judicial system must inflict on those most respectable persons. It was impossible not to see that by this measure they were striking at the very roots of the professional fortunes of all those men. They had purchased their present position, eminent in point of practice and of worldly wealth, not only by a great outlay of money, but by that which was still more precious to labouring men, by long years of industry devoted to the pursuits of their profession; and now came this measure ruthlessly to attack and cut off the very sources of their prosperity, and in many cases the very means of their livelihood. He greatly doubted that the remedy proposed by his noble and learned Friend would be found effectual for their relief. He did not think that the ten years of only half-monopoly which was to be continued to them, nor their power of becoming partners in solicitors' firms, would be at all effectual to meet the evil which the Legislature was about to inflict on those two bodies of men—the advocates and proctors of the ecclesiastical courts. On the other hand, he saw great difficulties in providing another remedy, and in giving compensation in a case of that kind, because it was introducing a new principle which might hereafter become liable to abuse. Nevertheless, when he considered the infinite importance of providing a bridge of gold for a retreating evil, he hoped and trusted that every effort would be made to lessen and to lighten the blow which this great change in the law and our judicial system was about to inflict on those bodies of men. It was the highest interest of the community to give compensation where changes in the law and in our judicial system inflicted loss on bodies of men; and the worst economy—he would not call it the greatest want of economy, but he would say the greatest extravagance—was committed by the country when it grudged that compensation; because such a course tended to prevent reform and to perpetuate abuse. There was no doubt whatever that this measure would prove the origin of other changes in the law; and, among these, he hoped a place of deposit for wills and other instruments would be established—he meant a place where parties might deposit conveyances and wills merely for safe custody; for at present we were in this position, that no man could be certain, in very many instances, that his will would be effectual, because he had left it in the hands of those who were interested in his property on his decease, or with persons who had no interest to keep them safe and produce them when necessary, and who might very probably have inducements to allow them to become lost. He would, therefore, suggest the absolute necessity of providing a place for the safe custody of documents of that important nature. He spoke in the presence of some noble Lords who now possessed a very large part of their incomes in consequence of the testamentary documents which devised or bequeathed those incomes being saved from destruction by the merest accident. He knew an estate of upwards of 30,000*l.* a year that was possessed by the devisee, to the exclusion of the heir-at-law, both Members of their Lordships'

House—and by the merest chance that could be imagined; the instrument which disinherited the one of his noble Friends and put the other in possession, was saved from destruction by an accident. There had been a fire in the house, and it chanced that an old desk, containing the will in question, had been, in a journey, put into an old post-chaise, standing in an adjacent yard, and which was afterwards on the point of being broken up for firewood, when the will was found, which, as he had said, disinherited one of his noble Friends, and gave the property to the other. Again, in another case affecting a Member of their Lordships' House, a will was set up in an appeal, which came on for hearing in the Judicial Committee, where he (Lord Brougham) had sat upon the cause, that cause involving property to the amount of no less than 160,000*l.*; and by what accident did it appear that the will was saved from destruction, and the 160,000*l.* distributed according to the wishes of the testator? It was supposed that the deceased had executed a will, for a groom boy had a recollection of being a witness to such a document; but for a length of time it could not be found. One day, however, a paper dropped from below the mattress of a bed in the house occupied by the deceased, and fell on the floor, when the housemaid, who was making the bed, picked it up, and thrust it into the fire-grate. There it was afterwards found; and the paper turned out to be the will of the testator. But its preservation depended solely on the accident of its being summer, and not winter, when it was found by the housemaid, for there being no fire in the grate when she thrust it there, it remained quite safe until it was discovered and brought to light by another mere chance. The will was found in the bars of the grate; and by that accident that sum of 160,000*l.* was distributed according to the wishes of the testator. He could mention other similar instances, but those two were quite sufficient to show the absolute necessity of having a place in which wills and other kindred instruments might be deposited for safe custody. The consequence attendant upon this measure, which could not be too deeply deplored, he had adverted to, the loss and injury it would inevitably entail upon proctors and advocates—a class of men in every way deserving of favourable consideration. He hoped that their Lordships would not hesitate to consider what might be a fair and honourable compensation to them; and, in the consideration of the same, he had every reason to believe that their Lordships would not allow these gentlemen to suffer an injustice out of any regard for what might be considered, but which never proved to be, an economy in such matters. There was another branch of the subject on which discussion might arise. It might naturally be thought that when this Bill had received full consideration by the Select Committee, and when it had been reduced to the most perfect state, their Lordships ought to apply to the learned Judges of the ecclesiastical court for their opinions, first (following the precedent of his noble and learned Friend with respect to the criminal digest) upon the principle of the measure, and next upon its details. If such a course was taken, he could answer for the learned Judges of the ecclesiastical courts—whether the Arches Court, the Consistorial Court, or the Admiralty Court—though the Admiralty jurisdiction was not now in question—that they would bestow the greatest pains on the examination of the Bill, going through every provision calmly, and cautiously, and respectfully to their Lordships as well as to the subject, forming their opinion of the measure, both as to its principle and its details; above all, they would carefully avoid giving any rash opinion against the principle, or any portion of those details; but most of all would they refrain from giving any opinion condemnatory of any one of its provisions, without looking at other correlative provisions which might, three lines before, be staring them in the face, as part and parcel of the measure. They would never judge without full and fair examination. Rash and sweeping criticism they would eschew like the pest. He might answer for those learned, cautious, and prudent Judges—those calm inquirers into the matters to them referred—that they would not suffer themselves to be misled by any precedent into such an unbecoming course as that.

The Bishop of ST. ASAPH said, he hoped the question of expense would be seriously taken into consideration, because he thought some of the provisions of the Bill would inflict injustice and hardship on poor people, who were interested in wills which bequeathed small sums, or property of inconsiderable value, and which consequently could bear but very small law expenses. He found on inquiry that in the year 1852 there were 264 wills proved in his diocese, very nearly one-half of which were, each of them, for sums under 100*l.*; and there were nineteen wills for sums under 20*l.* The necessity of proving wills of the latter class, or taking out letters of administration, arose from the practice of humble people depositing money in the savings banks. By this Bill, non-contentious testamentary cases in his diocese would have to be taken to two places, Chester and Shrewsbury; so that a poor man might have, in some instances, to travel a distance of fifty or sixty miles to prove a will which disposed of property to the value only of 20*l.*; whereas at present there were six places in his diocese at which any poor man might prove a will twice in the year. Unless, therefore, the executive arrangements were made such that people of that character might be enabled to prove their wills almost at their own doors, he should feel it is duty to oppose the Bill at a future stage.

THE EARL OF HARROWBY thought it very important that there should be a separate court and a separate bar for the adjudication of these matters; and said, that if this were admitted, very much of the difficulty which had been experienced with respect to compensation for the learned and intelligent gentlemen who had been referred to would be removed. Surely there was some virtue in the *status quo*, and he did not think that it would be desirable to destroy a whole and important portion of the civil bar. He could not think that it would be for the advantage of the testamentary business of the country that it should be transacted partially in one court and partially in another, in such a way as that it would be difficult to secure uniformity of practice; but he saw great advantage in giving all this business to one tribunal where it would be sure to receive immediate attention.

LORD FEVERSHAM said, there was a party whose feelings ought not to be overlooked in this matter, and that party was the people of England. He believed that if the noble and learned Lord on the woolsack would give the people time to make known their opinions upon the measure, he would find that their Lordships' table would be covered with petitions from all parts of the country against it. He felt persuaded that the public generally did not wish that their wills should all be transmitted to this metropolis, and that the whole of our testamentary jurisdiction should be made over to the Court of Chancery. He believed that public opinion was already against increasing the jurisdiction of the Court of Chancery, and that, while the people at large were disposed to pay every proper respect to the Court, and to the noble and learned Lord who at present presided over it, they considered that its jurisdiction ought to be curtailed rather than extended and enlarged. He thought it desirable to offer these few observation to the consideration of the House, and having done so he should not trespass at greater length upon its attention.

LORD ST. LEONARDS said, that he had already expressed an opinion in favour of the transfer of the testamentary jurisdiction to the Court of Chancery; but he was very much inclined to think that it would be very desirable that it should be so transferred as that it could be kept together in one court, instead of allowing each Judge in Chancery to take a portion of it just as it might happen; at all events, for some time to come. It would be very easy, constituted as the Court of Chancery at present was, to make such an arrangement without the appointment of a new judicial functionary. In point of fact, the Lords Justices of Appeal did not appear likely, for some time to come, to have a great pressure of business. The number of appeals at present was very small, and there was no reason to suppose that there was likely to be any increase in this class of business. The great pressure which had hitherto existed upon the Court of Chancery had been occasioned by business of a temporary nature. The Winding-up Acts, for instance, and railway cases had occasioned a very great resort to the Court of Chancery; but the winding-up cases must necessarily soon come to an end, and the railway cases must diminish as the law on the subject became better understood; and he believed it would be found that the Court, as now constituted, had more judicial power than was necessary for the transaction of its ordinary business. The noble and learned Lord (the Lord Chancellor) had estimated the time occupied by the contentious business of probate in cases which would come under the jurisdiction of the Court of Chancery at sixty days; and his noble and learned Friend (Lord Brougham), in allusion to a distinguished Judge, had stated that he occupied three days in considering cases out of court for every day that he was occupied in court. He (Lord St. Leonard's) could only say that every other Judge with whom he was acquainted never had, whatever might have been the pressure of business, a single day afforded him in addition to the days of sitting, but had to eke out the time as best he could from the hours of the night for the consideration of cases out of court. His noble and learned Friend had likewise stated, that that excellent person, instead of hearing the evidence in court, took it home and read it there. He thought that there must be a mistake in that statement, because anything more repugnant to justice, or that could prove more fatal to the suitor, he had never heard. It was most essential that the evidence should be heard in open court and before the full bar; and those persons very much misunderstood the objects and duties of a bar who fancied that they had no weight and use beyond the addresses which they delivered to the court. Consisting, as the bar did, of the most able men who had not been called to the bench, their presence and opinions must always be most valuable in correcting any errors into which the Judge might be apt to fall. He repeated, then, that he saw no reason to doubt that, by proper arrangements, the whole business of the Court of Probate might be transacted in the Court of Chancery. Their Lordships had taken every possible means to insure despatch in the Court of Chancery; they had given it full judicial powers, and if there still continued to be delay, they ought to take steps to remedy it immediately; he contended, therefore, that there was no court in which business of such importance could be conducted with greater speed than in the Court of Chancery; that was, as far as was consistent with doing justice between the parties. He had, indeed, seen with regret some letters in the journal which he was in the habit of reading in the morning, in which complaints were made of cases which had lasted twenty or thirty years. He staked his existence upon this—that, if they were of that duration, they were cases in which it was desired that the funds should be left in the Court either for the benefit of children until they came of age, or for the benefit of persons upon the demise of some life interest not yet determined. In such cases it might be the very object of the suit to bring those funds into the Court, and it was clear, if that were so, that the object of the suit would not be accomplished unless the funds remained there. It was out of the question, then, to mention these cases as a reproach to the practice of the Court of Chancery. But if any man had a suit in the Court of Chancery which should be wound up, but which was not, he begged to tell him from that place, that it was his own fault or that of his solicitors, if it remained another week undisposed of. The Court had never had the power to make people active in the prosecution of their suits until the Act which he conducted through their Lordships' House; but now, if a case of this kind, where delay arose from the dilatoriness of the parties, was brought before the Court, the Court had power to compel the parties to proceed, and not to permit their suit to continue to encumber the files of the Court. People often chose to let their causes lie over from unwillingness to bring them to judgment; and the consequence was, that when he was in Ireland, and was determined that there should be no old causes, there was the greatest difficulty in getting them to move in theirs; there were many of them that had remained in the Court for thirty or forty years, and the parties wanted them to be allowed to slumber on. Nor was this indisposition to bring causes to judgment confined to those before the Court of Chancery. An instance occurred only the other day, in which an appeal had been for a long time before their Lordships' House, without either of the parties proceeding in it; and when they were called upon and compelled to proceed, the result was, that an arrangement was made by which the appeal was withdrawn. He should not at the present stage enter into the details of the measure. As at present advised, he was in favour of the transference of the testamentary jurisdiction to the Court of Chancery; but his ultimate support of this Bill must in a great measure depend upon the shape which it took in the Select Committee to which it was to be referred. To one part of it he certainly did entertain a strong objection—that which would render landed estates subject to probate—because he thought that its effect would be to force on contentious suits with reference to devises of lands, which would not otherwise arise. He could not sit down without expressing his regret at the breaking in upon the practice of a number of learned persons who had devoted their lives to the practice of this particular branch of the profession. At the same time he was bound to say that he did not see his way to give them any compensation. It seemed perfectly impossible to compensate advocates or barristers for any loss of practice consequent upon a change of judicature. If, however, they confined the exercise of the jurisdiction transferred to the Court of Chancery to one court, they might give civilians a pre-audience in cases referring to testamentary matters.

LORD WYNFORD said, he would have preferred the erection of a peculiar court for the exercise of the testamentary jurisdiction, to transferring the business to the Court of Chancery. He feared that the result of the contemplated change would be to destroy the civilian branch of the bar. In this opinion he had the support of Dr. Lushington, who, in his evidence before the Commissioners, said that he feared the inevitable consequence of the transfer of the testamentary jurisdiction to the Court of Chancery would be the extinction of that branch of the bar. He seemed to think that if the remunerative branch of business was withdrawn from the ecclesiastical courts, there would be no great reward for superior talents in the pursuit of the study of the civil and international law; and that, therefore, the civilians would not in future be so distinguished for learning and ability as they had been. Now he could not but think that this would lead to great public inconvenience, when they considered how often questions of the utmost importance with respect to international law arose, not only in war, but also in peace; and that the Foreign Office then required the advice of persons of the greatest experience and knowledge.

THE EARL OF DONOUGHMORE said, he should not have presumed to say a word upon a subject so purely legal, had it not been evident that this Bill would inflict great injustice on two most deserving classes of men, namely, the advocates and the proctors; and he could not understand why this should not be a fit case for compensation. He could see no difference between this case and others in which compensation had been given. He offered no opinion with regard to the general scope of the measure; but, if this change was to be introduced for the purpose of obtaining a great public advantage, the noble and learned Lord who proposed it was bound to see that he did not inflict a private wrong by means of it. Both the advocates and the proctors had, by great industry and expense, qualified themselves for the performance of certain duties connected with one of the fixed institutions of the country; and surely they were entitled to some compensation, if their prospects in life were destroyed by a legislative enactment. The Judges and the salaried officers of these courts were treated in a very different manner, for the Bill contained clauses most carefully providing compensation for them. He would allude to one of those gentlemen, upon whom he looked with great respect, but who had been made the subject of strictures in the public press—he meant the Rev. Mr. Moore. That gentleman held an office, the duties of which were performed by deputy, and the emoluments of which were enormous; but his interests had been carefully guarded. He was a drone in the hive, and held a lucrative office by the favour of a bygone Archbishop of Canterbury; but he was protected, while the men, who by great labour and reading had qualified themselves to become advocates, had the sources from which they derived their income abolished, and were utterly uncared for. He admitted the difficulties of the subject; but he hoped the House would not sanction such an injustice towards a body of deserving men, while another class of mere sinecurists, whe were certainly not entitled to favourable consideration, were provided for most carefully. Another objection he felt to the Bill was, that it would bestow increased patronage upon the Lord Chancellor, and, although he had no doubt that noble and learned Lord and his successors would distribute it with the greatest regard to the public service, still he thought there was some justice in the complaints which had been made with regard to the amount of patronage already placed in the Lord Chancellor's hands. He therefore asked their Lordships to pause before adding to that patronage, which many of the public considered as already too great.

LORD BROUGHAM remarked that the patronage of the Lord Chancellor had of late been much diminished by the abolition of the Masters in Chancery and other measures.

THE LORD CHANCELLOR said, that with regard to one point which had been insisted upon by the noble Earl who had just spoken, and also by another noble Lord—namely, the injustice which it was said that this Bill would inflict upon the practitioners in the ecclesiastical courts—he quite agreed with them, that if the Bill would cause the commission of an injustice, it should not pass. We should not, in order to attain any advantage, do that which was unjust. But in all these cases the question was, whether what was proposed was or was not unjust. Now, in the case of persons holding offices, it would clearly be unjust to deprive them by Act of Parliament of something to which they were by law entitled. With regard to the Rev. Mr. Moore, he quite sympathised with the remarks which had been made; he should be very glad if something, which it would be unjust to take from him, could be given to the proctors. But that was not the case. He had a right to his emoluments, and the State had no more right to take from him that which it had guaranteed to him than it would have to take his noble Friend's estate. It might be very convenient to have that for distribution amongst other persons, but it would be unjust. The only other matter to which he would allude was with respect to the observations that had been made as to the increased patronage given to the Lord Chancellor. Now he could conscientiously state that nothing would give him so much pleasure as not to have that patronage. But he thought that the Lord Chancellor was the person who, if made responsible for it, was most likely to select the fittest persons to fill situations connected with the law. The fact was, the appointments to those high places for which the Lord Chancellor was responsible were anything but patronage in the ordinary sense of the word. The head of a department might very well oblige a friend by giving his son a clerkship worth 100*l.* a year; but the Lord Chancellor would be scouted, and would lose his character, if he did not appoint to a judgeship, or an office of like importance, those whom the public voice would fix upon as fit to discharge its duties. These remarks would fully apply to the appointments which would be placed in his hands by this Bill. The civil patronage of the Lord Chancellor had, in fact, been reduced almost to nothing. All the patronage he had had since he filled the office had been occasionally to select the best persons for important places. But that which used to be considered the real patronage of the Lord Chancellor had been of late years almost entirely abolished. His noble and learned Friend (Lord Brougham), for instance, abolished seventy Commissioners of Bankrupt. Now, as hardly any gentleman who had been called to the bar was not competent to fill this office, nothing could be more agreeable than the power which the Lord Chancellor possessed to give one of them to the son of a friend. He certainly made no complaint as to what had occurred; but let it not be imagined that the patronage given to him by this Bill was that sort of patronage which conferred influence. If the noble Earl could fix upon any person who was more likely than the Lord Chancellor to make good appointments to the offices created by this Bill, he would give him his most cordial support in transferring the patronage to that person.

LORD BROUGHAM remarked, with reference to a statement which had been made by the noble and learned Lord (Lord St. Leonards) near him, that it used to be the practice in these courts for the counsel to read the evidence, and then to comment upon the leading parts of it, but some of the learned Judges had since adopted the plan of reading the evidence, upon which, however, the counsel had still the liberty of commenting.

On Question, *agreed to;* Bill read 2ª accordingly, and *referred* to a Select Committee.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 14, 1854.

MINUTES.] PUBLIC BILLS.—1° Highways (District Surveyors); High Treason (Ireland); Property Disposal.
3° Marine Mutiny.

WATER SUPPLY TO THE METROPOLIS.

MR. BRIGHT said, he wished to give the noble Lord the Secretary of State for the Home Department notice, that on Thursday he should ask a question with reference to the supply of water to the metropolis. He had had to-day an interview with a gentleman interested in the Wandle Sewerage and Water Bill, which was rejected last night, who, as well as others, was anxious to know what was the precise agreement which the Government had entered into with the old water companies? How long that agreement was understood to prevent any Bill for the supply of water being brought in? In fact, how long an absolute monopoly of the non-supply, or what they professed to call the supply of water to the metropolis, was to be retained by the existing companies? He should ask those questions of the noble Lord on Thursday. Great interests were concerned, and it was really important that parties should not come year after year to that House, and have their schemes rejected, contrary to what he conceived to be the ordinary practice of the House. At the same time he should ask the noble Lord as to a statement which he made to a deputation that waited on him in favour of the Wandle Sewerage and Water Bill.

VISCOUNT PALMERSTON said, he could answer the question of the hon. Member as well now as on Thursday. The arrangement alluded to by the hon. Gentleman was not made whilst he had been at the Home Office; but upon communication with his right hon. Friend the Member for Morpeth (Sir G. Grey), and those who had to do with the matter, he was satisfied a fair understanding was come to between the Government of that day and the water companies, that during the time specified in their respective Bills they were not to be interfered with. He was not able, at present, to state what the exact period was—he thought it was very nearly expired, but on that point he would give more precise information on Thursday. As to what passed between him and the deputation from the Wandle Company, it was this: he told them that their project of water supply would be an infraction of that engagement; but if they confined themselves to the drainage part of their Bill, there would be no objection to that; but it was represented to him that part alone would not pay—that it would be a losing concern unless drainage was accompanied with a supply of water. He stated, in answer to that, that if gentlemen at Wandsworth wished to have their district drained, they ought to pay for it, and not depend for it on the profits of a water supply.

MR. BRIGHT said, the deputation understood the noble Lord to say, that in case they would undertake, in Committee, not to intrude on the present water companies, he would not oppose the Bill, and they felt hurt at his opposing the second reading. If the noble Lord would state what was the exact time when the agreement with the old companies expired, this Company would then know if they could go on with their Bill next Session.

JUVENILE OFFENDERS—QUESTION.

MR. ADDERLEY said, the noble Lord (Lord Palmerston) had given great satisfaction, and raised the greatest expectation, by undertaking to pass, this Session, a Bill for the promotion and establishment of juvenile reformatories; he therefore wished the noble Lord would have the kindness to inform him of the state of preparation of that Bill, and the time when it was likely to be introduced into the House.

VISCOUNT PALMERSTON said, he was unable to state the time when he should be able to bring in the Bill. It was one which would require a good deal of consideration and deliberation. He might state, however, that he hoped to be able to increase the number of youthful offenders sent to the Red-Hill voluntary establishment; and if he were able to take advantage of the voluntary efforts of any other institutions, he should be very desirous of doing so. He thought the hon. Gentleman concurred with him in the opinion that the more the Government co-operated with voluntary institutions, the better the result would be; because it was very desirable that young persons sent to those establishments should, as far as possible, be divested of that exclusively criminal character which would be detrimental to their future prospects. He could assure the hon. Gentleman he had not lost sight of the matter; and whilst endeavouring to co-operate with voluntary institutions, that would not prevent his endeavouring to arrange some general measure for the purpose in view.

NUISANCES—SALE OF FIREWORKS—QUESTION.

MR. BOWYER said, four lives were lost last week by a fire in a firework warehouse in the Waterloo-road, and the property and lives of the inhabitants in the neighbourhood were greatly endangered. There were a great many of these firework manufactories in the same locality; and scarcely a year elapsed without some accident, more or less serious, occurring. He therefore wished to ask the noble Lord the Secretary of State for the Home Department whether he would consider the propriety of some legislation to prevent the accumulation of those dangerous combustibles amidst a dense population.

VISCOUNT PALMERSTON said, the notice of the hon. Gentleman was the first intimation he had received of the fire to which he had adverted. He thought it very proper to consider whether a law should not be passed to prevent such works being carried on in populous places; and he would look and see whether any arrangement of that kind could be made. But the hon. Gentleman and the House must bear in mind that the danger to life arising from works of this kind was far smaller than that which arose from a number of trades carried on in this metropolis, the establishments in which they were carried on being the very centres from which radiated the causes of disease and death. There were slaughter-houses, knackers' yards, bone-boilers, and other trades which were sources of pestilence to this metropolis to such an extent, that he could assure the House that deaths had been occasioned in the Penitentiary from the poisonous effluvia coming from the opposite side of the river, and he was obliged to allow the officers to lodge at a distance for a certain time, to prevent their succumbing to its baneful influence. How far it was possible, in looking at that general evil, to meet the suggestion of his hon. Friend, he could not say; but it should not escape his attention.

THE BOOK OF COMMON PRAYER.

MR. HEYWOOD said, he rose, in pursuance of notice, to move an Address for a copy of the alterations in the Book of Common Prayer proposed by the Royal Commissioners for the revision of the Liturgy in 1689, which were intended to be submitted to Convocation, and subsequently considered in Parliament, and the original of which, in the handwriting of the Royal Commissioners, after passing successively into the charge of Archbishop Tenison, Bishop Gibson, the Dean of Arches, and the Archbishop of Canterbury, was preserved in the library of Lambeth Palace. As the Motion was of a novel kind, he would endeavour to explain it by a very short statement. In the year 1689, in the reign of William and Mary, in consequence of an earnest feeling in favour of a more comprehensive revision of the Prayer Book, a Royal Commission was appointed for revising the Liturgy, consisting of ten bishops and twenty other eminent divines. The copy of that Commission in the Rolls in Chancery Lane clearly showed that it was a public Commission. Their orders were to revise the Liturgy, and present their recommendations to Convocation, which was about the same time to assemble. When the Commissioners had concluded their labours, Convocation was unwilling to consider the alterations which they had recommended. The consequence was that the document containing these alterations remained in the hands of Archbishop Tenison until his death in 1715, when they passed into the hands of Gibson, Bishop of London, who had acted as Secretary to the Commission. At the death of the Bishop of London in 1727 he believed the document was transferred to the Dean of Arches, with whom it remained until 1748, when it was removed to the palace of the Archbishop of Canterbury at Lambeth, and now remained in the Lambeth library. When Archbishop Tenison had possession of the document he was extremely anxious that it should be kept secret and not allowed to be published. He put these wishes into writing, and a copy of his directions was sent with the document from the Court of Arches to Lambeth. These directions of Archbishop Tenison had been a serious impediment to the publication of the document, the present Archbishop of Canterbury not thinking it right to concede to any private individual a copy. He (Mr. Heywood) had, however, corresponded with his Grace on the subject, and his Grace stated, that if the House of Commons and the Crown consented to the publication, his responsibility would be removed. It was on that account that he brought forward this Motion, considering, as he did, that these alterations were worthy of the consideration of Parliament and the country. There was no particular secret about them. They had been in great part copied into the Prayer Book of the Protestant Episcopalian Church of the United States; and having attended the services of that Church, he could assure the House they were very similar to the services of the Church of England. The services of the American Episcopal Church, however, contained various alterations, of which he believed the first idea might be traced to this Commission of 1689. He believed that the object of that Commission was to make the Church of England more comprehensive, and so to enlarge it as that some, at least, of the Puritans of that day might be able conscientiously to join it. There were a great number of persons at the present day who thought that it would be a great improvement to shorten the Church services, and to bring them into a more comprehensive form, and he was especially desirous that the chapel services of Oxford and Cambridge should be modified; but the plain statement which he now wished to submit to the House was this—that here was a public document in a private library—that the Archbishop of Canterbury considered himself responsible for the custody of that document—but that he felt that his responsibility would be taken away, in case the Crown, on an Address from the House of Commons, should ask for it. He believed that the document might be put into a shilling pamphlet, and he was sure that the small expense of publication would be far outweighed by its historical value.

Motion made, and Question put—

> "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House a Copy of the Alterations in the Book of Common Prayer, proposed by the Royal Commissioners for the Revision of the Liturgy, in 1689."

VISCOUNT PALMERSTON said, he thought there could be no objection to the hon. Gentleman's Motion as it was at present worded.

MR. GOULBURN said, he did not think that any sufficient case had been made out for the adoption of this Motion. Its object was to require that an unofficial document should be taken from a private library by the authority of the Crown. That document, as was stated in the paper, was intended to have been submitted to Convocation, and subsequently considered in Parliament. It was perfectly true there was a Book of Common Prayer, with the annotations of Archbishop Tillotson, in the library of the Archbishop of Canterbury at Lambeth; but information with respect to those annotations was not necessary, for the hon. Member had told them what was perfectly notorious—that they had not only been published, but had been made the foundation of the Church services in America. The simple question was, whether they would require the owner of a private library to give up a document for the purpose of giving information which the public did not require, because they had got it already from other sources? The Motion was an important one, because it involved important considerations of principle. If the House were to take upon itself to go to the Queen, and to ask her to take a document out of a private library upon the ground that it related to public affairs, he did not exactly know where they were to stop.

MR. HENLEY said, he quite agreed with the right hon. Gentleman opposite as to the inconvenience of the course which the House had been invited to join in, without any reason assigned. If any public advantage were to be derived from the production of those private papers—if it were to be followed by any public action—there might be some reason for, at least, considering the Motion. But as a mere matter of curiosity, there was surely no sufficient ground for invoking the assistance of that House. They might as well be asked to go into the library of any private gentleman for a similar purpose, and if so, where was the practice to stop? If he had an opportunity, he should vote against the Motion.

MR. LABOUCHERE said, he should agree with what had been said by the preceding speakers, if this Motion called for the production of a document from what could be strictly called a private library. But, as he understood, this library did not belong to the Archbishop in his private capacity, but was handed down from Archbishop to Archbishop on succeeding to the see of Canterbury, and could, therefore, hardly be considered private. If the Archbishop were opposed to the production of this document, he did not think that, unless there were very strong reasons, the House ought to insist upon it; but understanding that the Archbishop was willing to comply with the Motion, if it should be passed, he did not think that any principle would be violated in adopting it.

MR. GOULBURN said, the Archbishop's answer to the application made to him was to the effect that, as the book was placed in the library with express directions that it was to be kept secret, he was unwilling to make its publication in any way his act; but that if the Crown and the country should concur in requesting that it should be published, he should consider himself relieved from responsibility. It was therefore entirely a question for the House to decide.

THE CHANCELLOR OF THE EXCHEQUER said, he wished to draw the attention of the House to the form in which this Motion was submitted. When the House was pleased to make an order for a return, it was understood that that return was intended to be compulsory, and left no option to the party to whom it was addressed; but when, as was proposed in this case, it was agreed to present an

Address to the Crown, asking that a particular document might be produced, they referred it, in fact, to the discretion of the Crown to produce for them that document. It would be for his noble Friend the Secretary of State, if the House should assent to the Motion, to frame his correspondence with the Archbishop as he himself might think fit; and he had no doubt that, in the exercise of his discretion, he would take care so to frame it as to show that no compulsory interference was intended. Considering this, and also that this was a document public in its nature, and containing the recommendations of a Commission —["No, no!"] So he (the Chancellor of the Exchequer) had understood it, and so the notice of Motion had described it. He did not think that it could be said that its production was asked for as a matter of private curiosity; it might more properly be called a matter of historical interest, and as a matter of historical interest, he did think that, with all respect to personal and private rights, that House might very fairly be desirous of having it.

Mr. KER SEYMER said, he could not help thinking that there were some ulterior objects contemplated by the hon. Gentleman who had brought forward this Motion, beyond those which had been stated; and he considered that the House ought to know what those objects were. He was quite convinced that the public would feel great alarm if they were led to believe, as they would be led to believe, that this was the first step towards the interference of Parliament with the Liturgy of the Church.

The House *divided* :—Ayes 132; Noes 83: Majority 49.

DECLARATIONS.

Mr. APSLEY PELLATT said, that in moving for leave to introduce a Bill to substitute declarations for oaths, he was anxious to remove an impediment in the way of civil and religious liberty, which impediment now existed in the law respecting oaths. He desired to bring in a Bill for the purpose of enabling all who had conscientious scruples against the taking of an oath to make a solemn declaration instead of an oath, when required. He congratulated the House that so far as regarded its Members, the Government intended to introduce a Bill that would enable a Member to go to the table of the House, and take an oath which would not violate his conscience. The numerous cases that have come before courts of justice, and one case which had come before that House, showed that those who were desirous of making a solemn declaration in the place of an oath should be allowed to do so. The great objection felt by those parties was to the imprecatory clause, and to introducing the name of the Deity as a witness of their veracity. He might be told that a Bill was about to be brought in, founded on the Report of the Law Commission; but his objection to the Bill was, that it left in the hands of the judge or the magistrate to determine whether a party who came before them, and desired to make a declaration in lieu of an oath because of conscientious scruples, should be allowed to do so. His desire was that the witness should be allowed to make the declaration simply on stating that he had a conscientious objection to taking an oath. Within the last few years many oaths had been abolished which were formerly taken by the Excise, in the Bank of England, and by pawnbrokers and others in matters of trade. In consequence of Bills emanating from the House of Lords, a vast number of unnecessary oaths had been swept away from the Statute-book, but it was in the power of Parliament to carry this much further. The Members of the House of Lords, from time immemorial, have not been put on their oaths on the most important questions affecting the life of a brother Peer; but they had the power of saying simply, "On my honour, guilty," or "Not guilty." Now, in the progress of legislation and civilisation, why should not the community at large have the power of making affirmation? To show the absurdity of some of the oaths taken by corporations, he would refer to the opinion expressed by a public writer, who stated that Oxford was a national school of perjury: the student was made to swear he would do what he was not allowed to do; the candidate for a degree swore he had done what he had been unable to attend to; and the professor himself swore to many things because he was by statute required to do so. He certainly thought it was better to abolish oaths altogether than that they should be applied to purposes which he could not but regard as unwise and immoral. He would remind the House that, by law, perjury was regarded merely as a misdemeanor, and that a man who swore away the life and property of another could simply be punished as a misdemeanant. Young persons of tender age were sworn simply upon their acknowledgment of the Being of a God who would award the severest punishment should they utter falsehood, although they might know nothing, nor were they examined, as to their knowledge of the nature of an oath. He believed that oaths were utterly useless in courts of law; and he put it to any legal practitioners in that House, who were in the habit of cross-examining witnesses, whether they believed that such oaths had the effect of ensuring veracity. He would ask the House, then, whether they thought it advisable to continue to enforce the existing system of oaths, which led to the incarceration of many persons, merely, if he might use the term, because they were over-full of veracity? Unless it could be shown that society was benefited, that the force of law was increased, that the progress of justice was assisted, and that morality and religion were promoted by the maintenance of oaths, he demanded their abolition in the name of morality, of humanity, and of religion. He believed that if they got rid of the administration of oaths, and so avoided the ribaldry and irreligion frequently exhibited in our courts of law, they would find that far greater truthfulness would prevail. He hoped, therefore, that the House would allow him to introduce the Bill he had prepared on the subject. The Bill was limited to two clauses, providing that every person who, from conscientious scruples, objected to taking an oath, should be allowed, instead, to make a solemn declaration; and that if such person were convicted of having made a false declaration, he should be subject to the penalties of perjury.

Mr. **HADFIELD** said, that, in seconding the Motion, he must express his belief that the measure of the hon. Member for Southwark would improve the administration of justice. He had himself always felt considerable scruples with regard to the administration of oaths, because he deprecated the over-familiarity which was thus occasioned with the use of the Divine name. He believed that the constant invocation of the Divine name, by enlightened as well as by ignorant persons, had a very demoralising effect, and he could bear testimony, from considerable experience, that the cause of justice and of truth was not promoted by such invocations.

Motion made, and Question proposed—"That leave be given to bring in a Bill substituting Declarations for Oaths."

Viscount **PALMERSTON**: I shall not oppose the introduction of this Bill, although I must reserve to the Government the right of full discretion as to the line they may take on the second reading. It might have been as well, I think, for the hon. Member to have waited for the Bill about to be introduced in the other House of Parliament; and also for the Bill with regard to oaths to be brought in by my noble Friend the Member for the City of London. I am quite willing to admit that there are a great number of oaths taken on different occasions which may very advantageously be dispensed with, and declarations or asseverations be substituted in their place, as in the case of some municipal officers, where merely executive functions have to be discharged. With regard, however, to the more important question of judicial proceedings, I cannot agree with the hon. Members who have moved and seconded this Motion. It sounded very plausible to say that it was sufficient if the witness were informed that if he told an untruth he would be liable to the penalties of perjury; but that was a very different thing from the impression made upon his mind when he gave his evidence under the solemn sanction of an oath. It is one thing to impose the oath beforehand and another to apply the penalty after the commission of the offence. But I must say I do not agree with the hon. Gentleman (Mr. Pellatt), that, even in the case of an enlightened and honourable man, the sanction of an oath is of no value in the case of the party giving evidence. On the contrary, I should rather say that the better the man and the more educated he is, the more sensible must he be of the obligation imposed on him by the solemn invocation of the Deity. But, Sir, taking the case of an ignorant man, and of one not very scrupulous, it is perfectly notorious that if such a man wishes to give false testimony for the purpose of screening a culprit, or enforcing a claim which he knows to be wrongful, he would have the greatest possible inducement to withhold his evidence if he were allowed to exempt himself—on the mere pretence of a conscientious scruple—from the necessity of taking an oath, by the substitution of a declaration—a declaration, be it remembered, made with the greatest facility by those who make it with the greatest untruth. I, therefore, think that the arrangement to be proposed by a noble Lord in the other House, and who is bringing in a Bill upon this subject, embraces a condition which appears to be essential—namely, that there should be vested in some authority the power of deciding whether the objection of the witness is really a conscientious one or not; for if you leave it to himself to determine that point, then I think you lose the most important security you have to ensure the truth in regard to matters affecting the dearest interests of mankind, and of questions most deeply concerning the best objects of society; and, therefore, I again say, that it will be but a very tardy arrival at justice, if it is only obtained in the shape of punishment on the prosecuted witness; while, in the meanwhile, the gravest injustice may be perpetrated by the decision of a judge and jury founded upon evidence entirely false. Therefore, while I offer no objection to the introduction of the Bill of my hon. Friend, I confess I am not disposed to give that entire latitude to a witness which, if I understand it aright, the measure before us is intended to afford. I think in general that where a witness has really conscientious objections to take an oath, and where he feels in his conscience that the obligation to tell the truth is the same in both cases—every one admitting what you want to secure is the attainment of truth sanctioned by the approval of conscience—that it does not matter whether you arrive at it by an oath or a declaration, all you have to ensure is that in all cases the witness should feel that the declaration is really as binding on him as the oath.

Mr. HUME said, he would beg to remind the House that when the Duke of Richmond's Bill, which abolished millions of oaths relative to the Customs, Excise, and other public departments, came down to them, a precisely similar objection was taken to it as that just taken by the noble Lord. At that time voices were raised against removing all oaths with respect to smuggling and the Excise. He, therefore, thought the noble Lord's object would be very much simplified by inquiring what had been the effect upon the Customs, Excise, and other departments where oaths had been entirely abolished. He hoped, however, that his hon. Friend would not press his Motion until he saw what the Government intended to do with the Bill to be introduced into the House of Lords.

The ATTORNEY GENERAL said, he would state very briefly, for the satisfaction of his hon. Friend the Member for Montrose, what it was that the Government proposed to do on this subject. The Report of the Commissioners appointed to inquire into the state of the common law had recommended that, whenever persons entertained conscientious scruples against the taking of an oath, the oath should be dispensed with, and that a declaration should be substituted. It was felt to be a grievous hardship upon persons who really entertained religious scruples against taking oaths that they should be placed in the position of suffering corporal penalties in consequence of such religious and conscientious scruples. It was also felt to be a serious grievance and hardship upon those who stood in need of the testimony of such persons, because they might be deprived of the advantage of important testimony, and might suffer in their persons or their property, in consequence of their being prevented by the law from obtaining the evidence of individuals whose conscientious scruples, and whose readiness to sacrifice themselves on account of those scruples, showed that they were persons whose declarations might be safely taken instead of their oaths. The measure which had been introduced into the other House of Parliament was, therefore, intended to relieve such persons, and to allow them to make declarations in lieu of taking oaths. It was felt necessary, however, to guard against another evil. Those who had practised in courts of justice knew that there were many persons who, not wishing to tell the truth, and yet dreading to forswear themselves, had recourse to many artifices for the purpose of avoiding the necessity of taking oaths. He had seen witnesses kiss their thumbs, and have recourse to all sorts of tricks in order to avoid kissing the book. Now, these persons were desirous of speaking falsely if they could, but they feared the Divine wrath, and it was, therefore, manifest that in such cases that apprehension would operate satisfactorily upon them with regard to the evidence they might give. The Commissioners, after carefully weighing the considerations on both sides with regard to the use and disuse of oaths, came to the conclusion that oaths could not safely be dispensed with. The object to be accomplished, therefore, was to give relief to those persons who really entertained religious scruples against oaths, while they took care not to allow persons who did not entertain such scruples—but who did entertain apprehensions of the results hereafter if they called upon the name of God with falsehood upon their lips—from pretending that they did feel conscientious scruples on the subject of oaths. It had been suggested, in order to guard against the sudden pretence of conscientious scruples, that persons should have been registered for some period antecedent to that at which they were called upon to give evidence, and that, on proof of such registration, they should be exempted from the necessity of taking oaths. It was objected, however, that a regulation of that kind would bear with hardship upon persons who required the testimony of such individuals if they had not gone through the formality of registration. It had been considered that, upon the whole, the best mode of meeting the difficulty would be to leave it to the Judge, before whom a witness declared that he entertained religious scruples against taking an oath, upon such interrogatories as he (the Judge) at the moment proposed to the witness, to determine whether those religious scruples were affected by the individual for the purpose of being able to give testimony without the obligation of an oath, or were the result of honest, conscientious conviction. If those scruples were the result of honest conviction, the Judge was to have power to dispense with the oath; but if the Judge was of opinion that the scruples were merely affected for the purpose of avoiding the oath, it would be in his power to refuse exemption. He must say that, so long as they retained oaths—and, for his own part, a long experience did not dispose him to dispense with oaths in the case of judicial proceedings—he thought they ought not to exempt a man from the obligation of an oath simply because he said that he entertained conscientious scruples on the subject, when, upon investigation, there was reason to believe that he did not entertain such scruples. Such exemption would open the door to great abuse, and would be attended with considerable danger; and he was therefore of opinion that the Bill before the other House was preferable to that proposed by the hon. Member for Southwark.

Mr. PACKE said, he wished to inquire whether the power of dispensing with oaths would be given by the Bill before the other House to justices at quarter and petty sessions?

The ATTORNEY GENERAL said, he apprehended that whoever was qualified under the Bill to administer an oath would also have the necessary power of dispensing with it.

Question put.

The House *divided:*—Ayes 109; Noes 108: Majority 1.

Leave *given.*

Bill ordered to be brought in by Mr. Pellatt, Mr. Hadfield, and Mr. Blackett.

HIGH TREASON (IRELAND) BILL.

Mr. WHITESIDE said, he rose for the purpose of asking leave to introduce a Bill for the following purpose, namely—

> "To assimilate the Law and Practice existing in cases of High Treason in Ireland to the Law and Practice existing in cases of High Treason in England."

He considered that it was unnecessary for him on the present occasion to allude to the past history of this country, or to the cases of high treason as they stood recorded in that most gloomy volume containing the State Trials of England. The House, however, was well aware that during the reign of King William III., when our religious liberties were established, an Act of Parliament was introduced which gave certain advantages to persons accused of high treason in England, but which had never been extended to the King's subjects in Ireland. He only asked the same advantages for the accused in the one country as in the other, and he would show that at present a number of privileges afforded to an English prisoner were denied to an Irish one, who was not allowed nearly the same opportunities of preparing and making his defence, or the same foreknowledge of the witnesses and the testimony to be brought against him. He might at the same time remind the House, that the custom now prevalent of supplying the accused party with a copy of the jury panel first prevailed during the reign of William III. By slow degrees, however, certain provisions of the Act to which he had just alluded—that was in the reign of George III.—were extended to Ireland, and subsequent to that a copy of the indictment was furnished to the prisoner. But it was not until the reign of George IV., and on the Motion of Lord Holland, in the other House of Parliament, that the other provisions of King William's law were extended to Ireland. In the meantime a Statute was passed called the Statute of Anne; and when the Union with Scotland was carried, that Act was extended to Scotland. And he would refer to the very admirable preamble of that measure, as it sustained his argument on the present occasion. It declared:—

> "That it was highly conducive to the well-being of the State, that in all matters which concerned the Crown there should be an identification in the law affecting all parts of the country."

Now, on the occasion of Mr. Smith O'Brien's trial, it was his (Mr. Whiteside's lot to have defended that gentleman, and he was, therefore, in a position to declare that if that gentleman had been tried in England on the facts as they were then presented, he must have been acquitted. On that occasion the right of the accused to a copy of the jury panel was urged, but the decision of the Judges was against the prisoner. He then asked for a list of the witnesses, but the application was very properly refused by the Whig law officer of the Crown on the ground that the Act of Parliament did not extend to Ireland. Well, what followed? A person of the name of Dobbyn, who was not an informer, but a spy, whose name and past conduct were entirely unknown, appeared on the table to describe with singular astuteness certain transactions which were to establish the crime of high treason against the prisoner. Although, therefore, this man might be said to be the supreme arbiter of life or death in the case, not the slightest information could be afforded either to the accused or his attorney as to his antecedents. They were, therefore, as Irishmen, obliged to draw upon their imagination for their facts, and to cross-examine the witness at hazard, supposing him to belong to a class of persons who in olden times used to play the part of spies. But, as if to demonstrate the necessity of extending the law of high treason as existing in England to Ireland, it so happened, that in the very midst of the Lord Chief Justice's charge, a witness arrived in court, named Norton, who stated that this person Dobbyn had once proposed to him to get up a little Titus Oates plot, and to give false information against various persons. An application was thereupon made to get this last person examined, and to confront him with Dobbyn, and permission not being objected to by the Crown lawyers, the two witnesses were confronted in the presence of the jury, and the Judge in his charge told them that if they did believe the last witness they must discredit the evidence of Dobbyn. Now that proved the necessity of the Irish law being assimilated to that of England. In the case of John Frost, as he might remind the House, the life of the prisoner was saved by a technical objection; and why, then, should they have one law for the case of a Welsh linendraper and another for that of an Irish gentleman? Any such distinction was invidious, any such distinction was useless; and therefore, he trusted, an end would be put to the grievance. Mr. Townsend, a gentleman of whom he wished to speak with the highest respect, and one of Her Majesty's counsel, wrote a criticism upon the trial of Mr. Smith O'Brien, and he declared, as an English lawyer, that the law of high treason ought to be the same in both countries. He would, therefore, call upon the House to grant the people of Ireland equal laws on the subject of high treason with those possessed by this country; let them have an equal trial, and equal justice.

VISCOUNT PALMERSTON said, it must be admitted, as a general rule, that the same law should prevail in Great Britain and Ireland, wherever such similarity could with propriety, and a due regard to circumstances, be established; and undoubtedly if in any matter it was desirable that the law should be the same, it should be in cases of high treason—cases involving the nearest interests of the Crown and of the country, as well as the lives of accused persons. He should, therefore, have much gratification in stating that he would offer no opposition whatever to the introduction of the Bill of the hon. and learned Gentleman.

Leave *given:* Bill *ordered* to be brought in by Mr. Whiteside, Mr. Napier, and Sir Frederic Thesiger.

Bill read 1°.

PROPERTY DISPOSAL BILL.

MR. WHITESIDE said, the measure which he had now to introduce to the notice of the House would require some short explanation at his hands. The Bill which he wished to place before them was one which had for its object to secure perfect freedom in the alienation of their property for persons under religious restraint; and he would at once admit that it had relation principally, if not entirely, to the case of certain ladies who were termed nuns, and who were inmates of convents. Now, he did not intend to touch upon any question save one of property; nor was it his intention to offer any opinion with regard to the merits or demerits of conventual establishments, or to say one word that could in any way prove hurtful to the religious feelings of any hon. Gentleman. But he should endeavour to show that a practical grievance existed; and he would ask that House to apply to that practical grievance a practical remedy. The law of England gave to every subject of the realm the right to dispose of his or her property; but while it secured that right to each individual, it abhorred the exercise of any undue influence from any quarter restraining or directing that which it meant to be a free disposal; and his proposition was, therefore, that it was essential, according to the well-settled principles of our law, to apply a remedy to the overbearing exercise of spiritual influence, upon precisely the same footing that the courts of equity would prevent the exercise of influence of another character and description. Now, examples as to the manner in which the courts of justice had dealt with what was called undue influence were familiar to every mind. It was well known that attorneys could not take deeds or conveyances from clients while the relation of attorney and client subsisted between them, because it was felt that in such a position they attained a knowledge of the affairs of clients so as that they might gain an influence over them, and might abuse the confidence reposed in them to their profit and advantage. A parent could not obtain from his child, even when he came of age, a conveyance in safety. But the case of a guardian and his ward explained the law much more clearly. Could a guardian take from his ward, even after his coming of age, a settlement of accounts or a conveyance of property? He could not. And why? Because the relationship of a guardian to a ward naturally gave rise to a certain influence, and not until that relationship ceased to exist, and not until sufficient time had elapsed to dissipate its effects, did the law permit any conveyance to be made. Again, take the case of a master and servant: an old and healthy-minded gentleman was in the hands of a mean, crafty servant, whose manner was very affectionate to his master, and by which he contrived to secure the conveyance of property to himself, through means of undue influence. A court of equity, however, set aside the conveyance on proof of undue influence having been exercised by the servant over the master. He might also mention a remarkable case of a physician and patient. The physician having attended with extraordinary care and solicitude, he obtained a grant from the patient of 25,000*l.*, to be paid when the latter should die. Vice Chancellor Shadwell, however, was of opinion that such a disposition of his property rather tended to accelerate the march of the patient to the grave, when the object should be to save his life. They acted on precisely the same ground as if it were a conveyance obtained by a party exercising a religious influence of any kind, not merely through the confessional, or in the case of a religious person inhabiting a convent, as they did in the case of a physician obtaining a deed from his patient. Now, all these examples proved to the satisfaction of every reasonable and reasoning man, that undue influence was guarded against wherever it interfered. There were two more instances which he thought ought to be added; one was the case of a person confined in prison, where witnesses were required to attest all proceedings between the prisoner and his attorney, merely because the transactions had occurred in a place of confinement. The other case occurred before Lord Eldon, where a patient from a lunatic asylum having recovered his understanding, had made a conveyance to the keeper of the asylum. But the Lord Chancellor set aside the deed, because he considered the influence acquired by the keeper was such as to render it impossible that at the time the testator was possessed of that amount of intellect which he ought to have to dispose of his property with reason and judgment. Lastly, let them take the case of a married woman; suppose her to obtain a gift, a devise, a legacy, or a conveyance of property. Could she convey her property to the object of her choice—to her husband? She could not without previous examination and inquiry. And why? Because the law said, from the very relationship between the parties, the influence of the husband must necessarily be so overbearing that he ought not to be permitted to obtain the property absolutely without the wife undergoing a previous examination in the presence of persons appointed to conduct that inquiry as to whether she of her free will and inclination gave up her property. Now, nothing remained, therefore, but to apply to the question of religious influence, what the law of England declared in reference to the disposition of property, where it had been effected through the medium of a person exercising spiritual ascendancy or spiritual terrors over the mind of the person. In the times of Lord Northington there was a case mentioned in the *Collectanea Judicia* of an Independent preacher, who had been particularly attentive to an old lady. He had prayed with her, he had read to her, and comforted her in a variety of ways, spiritually and otherwise; and finally he conducted her to Surrey, where they lived in seclusion, the house being surrounded by high walls and no one being allowed access to it. He then took a conveyance of the property, and the question was, ought it to stand? Well, the Lord Chancellor said he would spoil the independence of the Independent preacher, and compelled him to restore the property which he had obtained through the medium of spiritual influence. Much later than that, a case occurred before Lord Eldon, in which Sir Samuel Romilly delivered one of his most famous arguments. It was in impeachment of a deed on the ground that it had been obtained by religious influence; and on that occasion the great lawyer, not aware of the previous decision, argued with all the strength and ability which that remarkable man possessed, and having gone through all the examples wherein deeds and instruments affecting property were set aside, he pressed upon the Chancellor the necessity of dealing with cases in which religious influence was brought to bear in the most decided manner. He succeeded, and the deed was set aside. Such was the law and principle with reference to this country. But he might be asked, "what case he had to prove to the House in order to show the necessity of its interfering with deeds executed within the walls of conventual establishments?" The reasons, however, he thought would be already anticipated by the House. They were comprised in the fact of the known difficulty of getting at the evidence of what took place within the walls of a convent, as compared with the facility of procuring evidence outside of such establishments. They had no less than four examples of deeds and conveyances executed by nuns without the approbation of the parties making them. In referring to those cases, he thought he would be placing before the House facts which fully justified him in submitting the present measure to Parliament. One of those examples was a case that was brought before the Irish Court of Exchequer, when it had an equitable jurisdiction, in which case an able judgment was pronounced by Baron Pennefather. It was the case of a young lady who had been placed in a convent while she was under age. Now, he must observe that he did not intend to refer to mere idle reports, which could not be authenticated. He was referring to matters that were indisputable. The lady to whom he was referring having been placed in a convent before she was of age, there was an agreement made by her friends with the heads of the establishment that she should not be professed a nun until she had attained the age of twenty-one years, and without due notice being given to them. They paid a sum of money to the convent upon the young lady's entrance. While she was within the convent she acquired some property. The nuns then professed her privately before she was twenty-one, and without giving the notice to her relatives, as was agreed upon. They then obtained her personalty, amounting to 1,100*l.*, and conveyed to the establishment her real estate. She subsequently left the convent, and her mind becoming strengthened by absence from her retirement, she became acquainted with her rights, and she sought to set aside the deeds which she had executed. The matter was fully discussed, and the learned Judge, in pronouncing judgment, said:—

> "In the year 1825 the young woman entered into the establishment of the defendants as a lodger, and not as a person who had irrevocably bound herself to take the veil. That this was so was manifest, independently of the evidence, and what was stipulated at the time she entered the convent. And what was that stipulation? That she was not to be professed till she became twenty-one; nor even then without the consent of her friends. The contract was violated in every material part by the defendants, because the plaintiff took the veil, and, it must be supposed, by the influence of the defendants, whilst under age, contrary to the duty of the defendants even without any agreement on the subject, and contrary to the express agreement entered into. Then it is stated that her brother-in-law is denied access to her—that her sister is allowed to see her, but never without some person connected with the convent being present; and it is seriously contended that the case of a deed executed by a person placed in a convent, where undue influence is more likely to be exercised than in any other place, is a case in which a court of equity cannot set aside the deed as being obtained by undue influence. No man can doubt that it was produced by the influence of the ladies over her person, secluded from her friends, her nearest relatives being denied access to her. The attorney ought to have apprised her of her right instead of drawing up the deed."

Subsequently the Court withdrew from stating any general principle as to the execution of the deeds, and said they would rest it on the principle which governed the relation of ward and guardian.

There was another case, in which a will, executed in a respectable conventual establishment in Ireland, was impeached on the ground of undue influence having been exercised in its execution. He had made inquiries respecting this matter, and he ascertained that, after it had proceeded to a certain stage, it was compromised. The property in question was given to the heir-at-law for life, and an undertaking entered into that the convent was to get it upon the death of that person. The third case was one which had been mentioned before in that House. It referred to a family of great respectability in Ireland. It was the famous case of M'Carthy, a member of which family represented Cork in that House some years ago. There were two ladies of that family placed in the Black Rock Convent of Cork. Now, the House should observe, that establishments of this kind were springing up in vast numbers in Ireland, and the proprietors frequently purchased edifices belonging to the nobility. There could be no doubt that many young ladies of tender age entered those convents, some of whom, he believed, were well-disposed and actuated by a purely religious principle. To return, however: after the Misses M'Carthy had entered the convent their father died, and each of them became entitled to 10,000*l.* In conversations which they had had with their brother, they naturally said to him that they had enough of property for their own purposes—they loved their family, and their desire was that the two sums of 10,000*l.* each should be given to their family, who were endeared to them by the ties of nature as well as of affection. Accordingly it was understood that the relatives of those ladies were to succeed to this property of 20,000*l.* Then came the question between the convent and these inmates of the convent. The convent claimed the money by virtue of that which makes the distinction between this and all other cases that can be quoted—he meant the case of the inmates of those establishments by virtue of the vows of poverty and obedience which the nuns were obliged to take. Now the principle of his Bill was to secure perfect free will in the disposition of property, and he was struggling against a system which denied the exercise of free will wherever it could, and which then sought to avail itself of the advantages of our free and noble system of jurisprudence, and called upon Parliament not to meddle with those establishments lest it might interfere with the free alienation of property. He thought he should be able to show how the deeds were executed within the walls of that convent which conveyed away this large amount of property. This fund of 20,000*l.* was vested in the hands of trustees who were determined not to give it over to the convent. The convent thereupon commenced a suit in Chancery in the name of the two nuns, who were opposed to being parties to any suit against their relations, and whose free will would have been to have alienated the property to their dear relatives. Their names, however, were used in the suit contrary to their will, as the evidence adduced in the course of the proceedings would show. Here was the description of the case given by Mr. Nelson M'Carthy, their brother, in his depositions:—

> "I had a conversation with my said sister Catherine in the month of August, 1843, and in the presence of my brother, the said John M'Carthy, who principally maintained the conversation with her. In this conversation the said Catherine said, that she had applied to the superioress for liberty to assign any right that she had in the assets of her father to her younger brothers; and that the superioress said, that she had not the power of giving such liberty, but told her to apply to the bishop. The said Catherine said, that she afterwards waited until the bishop visited the convent, and, having had an interview with him, she begged permission to assign any right which she may have had to her father's assets to her four younger brothers. She said that the bishop had no power; upon which my said sister Catherine asked him who had the power? to which the bishop replied, 'Nobody,' and told her to go to the superioress. The said Catherine told him that she had already been with the superioress, who referred her to him; upon which the bishop said, 'You must observe your vow of obedience.' The said Catherine then said, 'If you mean, my lord, that I must dispose of this property against my conscience, it will be for a court of equity to decide how far such an act would be valid,' or words to that effect; to which the said Catherine stated the bishop said, 'If these are your ideas, madam, let me tell you I have lawyers in my family as well as yours, and this is too good a thing not to look after.'"

It appeared that they had, indeed, eminent lawyers who did look after it. There was a subsequent passage in those depositions which proved the necessity for such a measure as he proposed to bring in:—

> "I subsequently had several conversations with the said Maria and Catherine, in which they both said that they did not claim any share whatever in their father's assets, and that they were no parties to the law proceedings, and that it was without their consent that legal steps were taken against their family, and that they would not go to law with strangers, much less with their own family; and my sister Maria told me that she

cried or wept the whole night long after she signed the deed, making over her claim to Mrs. Fulham and Mrs. Lynch, and assured me it was no want of regard to her family that led her to do the act, but that she was called on under her vow of obedience to do so; and to show her indifference in respect of the money as far as she herself was concerned, that she would, if required, by her superioress, throw the money down the river, or words to that effect; and she added that she had no free will of her own. This last conversation occurred in the absence of Catherine; and I asked her why my said sister Catherine, whom I had previously sent for, did not come down to the visiting-room; and she replied, that she believed Raphael (meaning my sister Catherine) was unwell, and that she had suffered from the censure of the bishop, and that she was undergoing punishment. At this time I was aware my sister Catherine had refused to sign the deed. I afterwards saw my said sister Catherine, after the lapse of some weeks, when she looked as if she had suffered much both mentally and corporally, and her spirits were much depressed, and she informed me that she feared she would be obliged to sign the deed in compliance with her vows, and that we had no idea of the mental training that they went through, and that she would be obliged to state that acts were free and voluntary, and that everything done by her as a *religieuse* must be done cheerfully and freely, otherwise it would be deemed and considered that she had broken her vows. When I next saw the said Catherine it was after she had signed the deed, when she said, in reference to the deed, that a pen might as well have been put into the hand of a corpse as into hers when she signed the deed, as she knew she came to do an act contrary to her conscience, and let the sin be on those who caused her to do so. I had a private conversation with my said sister Maria, who had remained after all the rest had gone. I asked her whether she had read my affidavit, and she said she had. I then asked her whether it contained the truth, and she said, 'Yes.' I then told her I had read her affidavit of the 26th day of October, 1844, and asked her how she could have made the statement therein contained, which appeared so much at variance with all her previous conversations with me? She replied to me in these words:—'Ah! my dear Nelson, I refused to make that affidavit in my own person as coming from Maria M'Carthy; but I told the solicitor, Nicholas Daniel Murphy, if he put the word "religious" into the affidavit that I would then make it; and he having put in the word, I did so accordingly make the affidavit, as I found the word "religious" in it.' I then said to her, 'Maria, if one of the young ladies in the convent was obnoxious to the superioress, and that you were desired to give her arsenic, would you do so under your vow of obedience?' The said Maria remained silent and without answering for some time, upon which I repeated the question, when she at length replied, that she would not be asked to do so; and I said, 'Maria, do not say so, as they have asked you to make an affidavit which you refused to make in your own person, and to assist in law proceedings which you stated were contrary to your wish and taken without your consent, and in which you were plaintiff without your knowledge.'"

Here was another passage equally important. The deposition, after stating that the deponent learnt at the convent afterwards that Maria's intellect had been affected, went on to detail another conversation with Catherine to the same effect, in the course of which she said—

> "That if all the sufferings during her whole life were contracted within the space of half an hour, it would not equal what she had suffered since her father's death in reference to this matter."

There was then a remarkable passage in which she stated that she had seen a book in the convent, and found there that the punishment for serious crime was to be immured and fed on bread and water, and that in some cases people had died of it; and that it had been decided that any person or member of the convent speaking or acting against their claims to this property would be guilty of a mortal sin. Now, what was the judgment pronounced in this case? He must do the present Lord Chancellor of Ireland the justice to say that he gave a very manly and decisive judgment, in the course of which he put the matter as clearly and as forcibly as it was possible for any man to do. Here were the words of the Lord Chancellor:—

> "That society is so framed that the members of it are bound by the vows which they have taken on themselves, and the construction of these vows is declared by the society to be that its members are no longer, from the moment of taking them, free agents in the distribution of their property. They are enslaved to the rules and regulations of the community which they have joined, and are without the possibility of relieving themselves by any act of volition from their vows. Whatever their connections with others—whatever their relations in life—regardless of every obligation of nature or society, they must adhere to these vows; whether they be isolated individuals or members of a family; whether they be persons who have no ties or kindred to bind them to the world, no objects to attach their feelings, to claim their affection and bounty, and entitled to their care; or whether they be the reverse of this, and, having the nearest ties of blood, even children (for widows, after they have become such, may enter these communities), or, at least, relatives in the next degree of kindred, yet it makes no difference; by the rules of the institution they must cast all such considerations to the winds; and, willing or unwilling, freely offering it or not, of their own accord or under coercion of their vow, they must devote all their property to the benefit of the community, and execute deeds to transfer it. On such considerations I can well understand, and perfectly concur in, the policy of the ancient law, which placed persons thus circumstanced in the position of civil death. During the argument I put the case of a prisoner in a dungeon, and a gaoler extorting a deed from him, and coming into court and saying, 'I have that person still in the dungeon, but I want the property for him and myself.' Am I bound to give it to him? I protest I will do

no such thing. This court cannot listen to such a claim."

The Lord Chancellor offered the parties to send down an issue to a jury to try whether the deeds in question were executed by undue pressure or not; but the convent refused to accept of this offer. The Lord Chancellor then proceeded to deal with the question ably and clearly, and concluded by likening the case to one of the gaoler and the prisoner. The House would now see the practical working of this system. Since the Reformation property was less protected in regard to those establishments than it was before. Why? Because in Roman Catholic times the nuns were in law considered civilly dead, and administration might be taken out by any of their relations and friends as if they were dead, and the next parties entitled by the law of nature and the law of the land to the property might possess it. He did not want to legalise those institutions, but it was impossible for them to ignore their existence. The effect, however, of these establishments not being recognised was such as he had referred to in the cases he had quoted. While the heads of those establishments speak theoretically of the right of exercising free will, they practically make it impossible for the inmates to have any free will at all. The judgment of the Lord Chancellor, he believed, had secured the property for the family. He had one other case to bring under the notice of the House. It was that of "Blake *v.* Blake," which was still pending for the decision of the House of Lords. This was the case of two ladies, one of whom, the widow of an eminent barrister, was a Protestant, and the other, the sister of the deceased barrister, a Roman Catholic and an inmate of a convent. The widow claimed under the will of her late husband. In the same way as in the former case, she had several interviews with her sister-in-law in the convent, in which the latter expressed no desire whatever to dispute the will. Notwithstanding this avowed disposition on the part of the lady in the convent, the nuns ultimately commenced proceedings for the recovery of this estate in the name of the sister of the deceased. When the case came on for argument, the lawyers ransacked the old Statutes, and not being able to find any positive law doing away with the ancient disabilities under which nuns had laboured, they contended that the party in the convent was dead in point of law, and could not, therefore, lay claim to the property in question. The question was argued with great ingenuity and ability; and the Lord Chancellor gave judgment in the matter, regarding the feeling of the country since the Reformation to be repugnant to those institutions, but recommended an appeal, and that appeal was now pending before the House of Lords. Now, what was it which he proposed to do to meet the evils to which he referred? He would read to the House the preamble of his Bill. The preamble recited:—

"Whereas females on being received into communities as professed nuns bind themselves by certain vows, and amongst others by a vow of obedience to persons claiming to be their religious superiors or spiritual directors; and whereas cases have been established in evidence before the tribunals of the realm, in which it appears females, influenced by the control and importunities of their religious superiors or spiritual directors, have been induced to make dispositions of property in contravention of their personal wishes and the affection expressed by them towards their relations; and whereas the dispositions of property made under such control and authority have been declared void and set aside by the tribunals as having been obtained by undue influence and contrary to the policy of the law; and whereas, by reason of the secluded life enjoined upon such females, the circumstances attendant upon such dispositions of property are, with the exception of the person under the restraint of such influence, exclusively in the knowledge of the persons so securing or obtaining such distribution of property or their agents, and evidence of such circumstances is not ordinarily accessible."

The recital might, perhaps, appear rather long, but it was necessary to establish his principles, and it rested with those who wished to argue the matter to prove that the preamble went beyond those ascertained principles. The mischief therein recited was this, that from the secluded life and circumstances under which the inmate of a convent was placed, it was difficult, if not impossible, to get at the evidence of the circumstances under which property was conveyed away. The remedy he proposed was simply to this effect:—

"That any act, deed, will, contract, or agreement done, executed, or made by any female who has or shall have bound herself by such vow, shall be deemed as having been executed under coercion of such vow; and at the dictation or exercise of authority assumed over her against her own free will or judgment, unless the contrary shall be proved to the satisfaction of the court which shall be required to adjudicate on the validity of such act, deed, will, contract, or agreement."

There were only three clauses in his Bill. The second clause merely stated that presumptive evidence of a lady having taken those vows shall be afforded by the fact of the lady being treated as a nun and residing in a convent. The measure, therefore, shifted the *onus probandi* on the persons who had obtained those deeds, gifts, grants, or conveyances. Now, he asked what objection could be made to this? Their argument was always this—any deeds which gave them wealth had not been obtained under the overbearing or overwhelming spiritual ascendancy which was asserted. Well, then, let them prove it to the satisfaction of the friends and relatives of the inmates of those establishments, who probably belonged to the same Church as themselves. If, however, they were not satisfied upon this point, instead of being compelled to grope after evidence through the medium of the nuns themselves, the friends or relatives could say that the property in question was theirs, unless the convent could show that the deed in respect to it had not been obtained by it under the influence of vows, and under the discipline which coerced the judgment and destroyed the exercise of free will. The mistake committed by the law was this. It ignored the fact that the inmates were bound by facts and obligations. His Bill did not say that they might not execute a valid deed within the walls of convents. If they chose to communicate with the relatives of the parties executing such deeds, well and good. But, as in all the examples which he had quoted, clandestine means were resorted to in the execution of deeds and conveyances, and undue influence was resorted to by the authority of the bishop, telling the young lady to remember her vows of obedience—by the authority of the superioress, who obtained the deeds—inasmuch as the free will was no longer preserved in those establishments, but destroyed. In order, therefore, to restore that free will, and to preserve the property to those who were entitled to it by the law of the land as well as by nature, he respectfully submitted his present measure to the consideration of the House. It was a most moderate and reasonable proposal; and if those deeds, wills, or conveyances be executed fairly and honestly, and not in the way in which Roman Catholic families had proved that they were executed, it could not operate unjustly. No objection could be taken to it by any but those who were determined to clutch at all property through every contrivance—through spiritual ascendancy and spiritual fear. He would now move for leave to introduce his Bill.

Motion made, and Question proposed—

"That leave be given to bring in a Bill to secure to persons under religious vows the free exercise of their lawful rights in the disposal of their property."

Mr. G. H. MOORE said, he thought that the answer to the proposition of the hon. and learned Member was contained in a very few words. The case which appeared to him most analogous to that brought forward by the hon. and learned Gentleman was that of husbands and wives in this country, and if it were desired to apply the same law to nuns as existed with regard to the conveyance of property from a wife to a husband, he should object to it on the ground that, even in the case of wives and husbands, that law was found to be completely nugatory, and it would be much more so in the case of nuns. With regard to the affidavit quoted by the hon. and learned Gentleman, it only appeared to him to show that, in the case of nuns, there was a freedom of access and of persuasion which did not exist in any other position in which English ladies could be placed. He should oppose the introduction of the measure on the ground that it would be found to be entirely nugatory in its operation, and that its only result would be to place a class of ladies in a position of painful inconvenience.

Mr. BOWYER said: If the cases cited by the hon. and learned Gentleman proved anything, they proved that legislation was unnecessary, for in every case it had been held that a deed executed under undue influence in a convent was void. If the cases were looked at in an unprejudiced manner, they would wear a different aspect from that which had been given to them. The principle was carried to the fullest extent with regard to convents which the law recognised in cases where one person was supposed to exercise undue influence over another. Legislation was, therefore, quite unnecessary, and it was more unnecessary for this reason—that when cases such as those alluded to, came before Protestant judges and Protestant juries, instruments so executed were looked at with the utmost degree of jealousy—with a jealousy which those who knew the true nature of the system considered unreasonable. He should feel great hesitation in voting for a Bill the preamble of which contained such allegations as prejudged the whole matter, and went, in fact, to the condemnation of conventual establishments.

Now, how was it possible for those persons to vote for such a Bill who considered conventual establishments of the greatest value to civilisation and religion and the welfare of the country, and so important with regard to the education of the poor of Ireland? He agreed with the hon. Member for Mayo, that if the object of the Bill had been to place the inmates of conventual establishments in the same position as married women, it might have been assented to, if it would have tended to satisfy the suspicions—the groundless suspicions—of his fellow-countrymen. The Roman Catholics were not bigoted or ununreasonable people. Their Church had never volunteered this concession, and never would volunteer it, because there was no ground for it. That Church was too confident of her own purity to volunteer such measures. But if any measure were fairly proposed which would allay the suspicions of Protestants, the Roman Catholic Members of the House would candidly entertain and consider it. Now, what was the principle of the Bill? It seemed to him to be quite contrary to the ordinary principles of jurisprudence. It provided that a deed should be void unless proof was given that it had not been executed under undue influence. It placed the person supporting the deed in the position of having to prove a negative. The usual course was for a person impeaching a deed to prove its invalidity. The law provided that a deed should be executed in a certain manner and with certain formalities, and so long as those formalities were observed the deed was good and litigation was prevented; but the sort of legislation now proposed would lead to an immense mass of litigation. The matter might be much more fairly considered if the hon. and learned Gentleman would endeavour to manage it in a more candid spirit—if he would forget that acrimony which he always manifested in all matters affecting the Roman Catholic Church—if he would give the members of that Church and its high dignitaries some degree of credit for justice, humanity, and religion—if he would cease to throw out violent imputations upon them, and cease to treat them as capable of any wickedness or any baseness that would disgrace human nature, and if he would apply his mind to the consideration of the subject in a spirit of fairness and Christian feeling.

Mr. J. O'CONNELL said, he felt regret that at a time when a cordial unity of feeling was beginning to be manifested between the people of Ireland and of this country, religious dissension should be again interposed to reawaken a feeling of distrust. In his opinion, the proposal of the hon. and learned Member for Enniskillen (Mr. Whiteside) was mischievous and wanton. It was wanton, because not the slightest desire for such a measure had been shown, either by petition or in any other way; and it was mischievous, because it might occasion bitterness of feeling. He was happy to see that the hon. and learned Gentleman had met with no response from the House when he appeared to be about to introduce into his speech that bitterness of spirit which was usual with him when treating this subject. He should oppose the introduction of the measure, for he did not think any Roman Catholic could sanction such a proposal.

Mr. MALINS said, he strongly approved of the principle of the measure, and trusted the House would sanction it by reading the Bill a second time. An hon. Member had spoken of the measure as one which involved a new principle. Not so, however, did he (Mr. Malins) understand it. Women were found inmates of conventual establishments. Whilst there property accrued to them, by descent or by gift. It had been found by experience that they executed instruments giving that property to the establishments of which they were the inmates, and experience had proved also, as in the case of the M'Carthys, beyond all doubt, that those who desired to exercise free will while in the convents, were not always permitted to do so. His hon. and learned Friend had explained the law affecting the various relations of society, and had instanced the state of the law regarding a parent and child, a guardian and ward, a master and servant, a solicitor and his client, and a physician and his patient. What was the principle of the courts of equity with reference to deeds of gift? It was, that when a deed of gift was executed by a person in any one of those positions the onus of proving the validity of the deed was thrown upon those who derived the benefit from the deed, and there could be no impropriety in adopting the same rule in conventual establishments. If a solicitor or counsel obtained a deed of gift from a client whilst that relation subsisted between them, the transaction was set aside as a matter of course, unless that solicitor or counsel showed that independent advice was called in; that they were, to use a legal phrase, "put at arm's length," and that, whilst they were at "arm's length," the deed which conferred the benefit on the solicitor or counsel was executed. There was, therefore, an incapacity in a person to execute a deed in favour of those who stood in those relations. But could the House imagine any incapacity so great and insurmountable as that which existed in the case of the inmates of conventual establishments? Hon. Members of the Roman Catholic religion seemed to think that a wise and beneficent measure to protect from improper influences a member of their communion could not be introduced into this House; and that a spirit of bitterness against their religion always actuated those who proposed a measure of the sort. It was much to be regretted that all such proposals were met in this manner. Now, he begged to say that nothing was now asked from the members of the Roman Catholic Church which he was not perfectly willing to submit to himself. He could venture to say, as one who had enjoyed an extensive experience in the courts of equity, that if a case were brought forward in those courts—and he had been engaged in such cases as counsel—in which a clergyman of the Church of England, being the spiritual adviser of or the attendant on a man or woman, whilst that relationship existed, obtained from that person a gift of money, or the execution of a deed or any other act, by which a material benefit was conferred, the court of equity would not hesitate one moment in setting aside such an act. Were they, therefore, seeking to extend to monastic and conventual institutions any new principle? And was there any injustice in saying, that a person having executed a deed, who had to a certain extent parted with his or her liberty, a deed executed under such circumstances should *primâ facie* be taken as not binding, and that the burden of proving the validity of the transaction should be thrown upon those who acquired the benefit under it? Could there be anything unreasonable in enacting, as his hon. and learned Friend proposed to enact, that a deed executed by a lady whilst an inmate of a conventual establishment should *primâ facie* be taken as void; and that it should lie upon those who had obtained the gift to show that it was not done whilst she was under their influence, but that totally independent advice was called in? The case of the husband and wife had been referred to, and, in the event of a married woman desiring to give money out of the Court of Chancery to her husband, the Judge had a communication with her, in order to ascertain that she acted by her own free and independent will. Should not, then, the same principle be extended to the cases contemplated by the proposed Bill? The Bill did not propose to take away the capacity of these institutions to receive gifts. It merely threw upon them this duty—that before they did so, they should place the lady in the hands of some person who was not the adviser or solicitor of the establishment, but an independent counsel or solicitor; that she should have the advantage of being advised by those who were disinterested, who would tell her what she could and could not do, and would take care that her act was the result of her own independent resolve. That, and that only, was what the measure of his hon. and learned Friend proposed to do. He looked with confidence, therefore, that the Government would be of opinion that this was a Bill which at all events deserved serious consideration; and that, as the noble Lord (Viscount Palmerston) had to-night supported the introduction of a Bill of which he expressed his disapprobation, the principle of the present measure would not fail to receive his sanction and support.

Mr. LUCAS said, that the hon. and learned Gentleman who supported the Bill had proved that the existing law was adequate to meet the case of the disposal of property under undue influence; and it was, therefore, because the proposed Bill was unnecessary that he (Mr. Lucas) should oppose its introduction. It was proposed, with respect to the disposition of property by nuns, that the House should interfere in the interest of the relatives, but no evidence had been laid before the House that the relatives of nuns, being Catholics, were not perfectly ready to interfere in their own interest. He had always found the relatives of nuns ready enough to prevent their property being made over to convents, and to vindicate their own right and title to the good things of this world, of which they imagined they were about to be deprived; and he had heard of many instances in which unjust exceptions had been taken to the disposition of property by nuns; but of none in which the relatives of nuns were unwilling to press their rights to the extreme. He thought the objection against the introduction of a Bill of this kind conclusive, on the ground that a Committee was already ordered to be appointed to inquire into the whole *status* of nuns and their condition before the law.

Consequently, it was not right that in the meantime a measure should be propounded practically to supersede part of the inquiry which the House had determined that that Committee should enter on.

Viscount PALMERSTON said, he thought there was some force in the observation which had fallen from the hon. Member who spoke last, that a Committee was about to be nominated to inquire into the whole matter. He thought, therefore, it would be better to postpone any specific measure until the Report of that Committee had been received, and their recommendations were laid before the House. At the same time, as he (Lord Palmerston) confessed that on principle he was not disposed to object to the measure of the hon. and learned Gentleman, he would suggest to him that, if his Bill were now brought in, he might postpone the further stages of the measure until the Committee should have investigated and reported to the House. He thought a fair objection had been taken to the wording of the preamble, which was not necessary for the accomplishment of the purpose the hon. and learned Gentleman had in view. He would endeavour to consider the matter as if he were a Roman Catholic, which certainly he was not, and, as a Roman Catholic, he should say that there were two grounds upon which the principle of the hon. and learned Gentleman's Bill was a right one; but then he should carry the principle a little further than the hon. and learned Gentleman proposed to do. In the first place, as a Catholic layman, he should be interested in preventing any subtraction of property belonging to families under the circumstances in which it was alleged such transfers were made. And taking into view the real interests of the Catholic Church, and of those establishments to which Catholics attached value, he should say it would be advisable, even in regard to their own interests, to exempt those institutions from the suspicions which it could not be denied were entertained with respect to them. If the Catholic laity were persuaded that the existence of those monastic institutions was essential to the welfare of the Catholic Church, it could not be supposed that they would have to depend for their support simply on the inmates of the establishments themselves; and he thought it would be much more for the credit of those institutions that they should be perfectly free from the imputation, that their superiors took advantage of the influence which they possessed over the minds of the inmates. But did the proposal of the hon. and learned Gentleman go really to the point to which his argument and principle extended? It seemed to him (Lord Palmerston) that the measure fell short of that. The hon. and learned Gentleman's argument was this:—He said that the vow which was taken by the nun was a vow of obedience, and that that vow was so strong upon the mind of the nun that, whatever she was told by her superior to do, she did that, and it consequently became her will. Now, suppose an additional solicitor was brought in to ask the nun whether an intended conveyance was the act of her own free will? The nun, whose mind was actuated by the vow she had taken, and by the order she had received from her superior, would, without doubt, reply in the affirmative, and say, "It is my will." It was, in truth, a will forced upon her by constraint of her vow; but it was for the moment the will of her mind; therefore he was afraid that the Commissioner proposed to be introduced by way of security would fail in accomplishing the purpose the hon. and learned Gentleman had in view. That, however, was a matter of detail, upon which he did not pretend to offer his opinion as a correct one. But he would suggest as a compromise that might be accepted by all parties, that if the hon. and learned Gentleman obtained permission to introduce his Bill it should be with the clear understanding that he would not press it forward until the Committee yet to be appointed should have examined the subject, and suggested that which might occur to them as the result of their inquiries.

Mr. WHITESIDE said, he should be most happy to adopt the suggestion of the noble Lord, but he was not quite sure that the Committee alluded to would have authority to investigate this question of property. That Committee was to inquire into the number and rate of increase of conventual establishments, and the relations in which they stood as regarded the existing law, and to consider whether any and what legislation was necessary. If the noble Lord were of opinion that these words included investigation into property, he was quite willing to express his acquiescence in the suggestion he had thrown out.

The ATTORNEY GENERAL said, there could be no doubt that the question was included in the terms of the Motion under which the Committee were to be appointed. He entertained no doubt upon the subject, and thought it would be far more satisfactory that the Committee should have the opportunity, before the Bill proceeded to a subsequent stage, of investigating the various matters of fact referred to by the hon. and learned Member (Mr. Whiteside) in his opening statement, in order that the House might clearly know how far the vows taken by the inmates of conventual establishments operated to make them other than free agents in the disposal of their property, and how far any abuses had arisen from the exercise of the influence acquired by the superior through those vows over the inmates of those establishments. It struck him that the hon. and learned Gentleman had proved too much in support of the provisions of his Motion. If it were true that all the inmates of convents were, by their vows, placed completely as passive instruments in the hands of their superiors, then he went along with his noble Friend (Lord Palmerston) in saying that the Bill ought to go much further than it proposed to go, and deprive them altogether of the power of making testamentary or other dispositions of their property in favour of the establishment of which they were inmates. Individual cases had been referred to, and they might be cases of real abuse; but they did not go to show that there was a general influence exercised over the minds of the inmates as a consequence of their vows. He thought the House ought, before it legislated, to know what was the real state of things in reference to the subject. He could not believe that it stood on the footing which the hon. and learned Member had represented. He could not believe that persons who became members of such institutions were reduced to the situation of mere passive instruments and tools in the hands of those under whose spiritual superintendence they were placed. If it were so, it was unquestionably the duty of the State to interfere, and put the disposition of their property under the most effectual restraint. But even supposing Parliament was called upon to legislate, he could not admit that the measure now proposed would have the desired effect. It proposed that the inmates of conventual establishments should be placed on the same footing as persons whom the courts of equity now held to be so far under the influence of some paramount dominion, that it was necessary, before they disposed of their property, to show that they had been emancipated, and made independent of the control and influence to which they might be supposed to be subjected. It proposed, as he understood it, especially as developed by his hon. and learned Friend (Mr. Malins), that it should be incumbent on every one who sought to avail himself of the disposition of property by the members of a conventual establishment, to show that independent legal advice had been brought in, whereby the nun was made acquainted with her power over her own property, and the consequences of what she was doing. But surely his hon. and learned Friend's sagacity must tell him that the presence of a mere solicitor or man of the law would be perfectly nugatory to counteract the influence of a superior spiritual authority, already exercising, through the medium of the vow of a nun, a paramount and dominant influence over her mind. If, then, they legislated, they must make out that there was general systematic abuse pervading those establishments, which he (the Attorney General) was bound to say he did not believe, and prevent the nun from making any disposition of property under any circumstances; but if they only showed that there was a possibility of abuse which existed in some cases, and which called for legislative interference, instead of stopping short with calling in the advice of a man of the law, whose authority would not be sufficient to offer a check or barrier to the superior influence of a spiritual authority, let some one be invested with judicial authority to inquire respecting the state of mind and feelings under which the nun or inmate of a monastic institution was making a disposition of her property, with a view to guard against the possibility of abuse. He, for one, did not hesitate to say, that if there were abuse, no apprehension of exciting ill will, or of giving offence, would prevent him from endeavouring to set up a barrier and check against that abuse. On the other hand, he did not see the necessity of legislating ineffectually, and exciting ill-will, without accomplishing by their legislation the good they desired.

Mr. NAPIER said, he agreed that the Bill would be better considered when the whole case of conventual establishments had been gone into before the Committee; for his difficulty with regard to these institutions had always been, that he regarded the vows of obedience and poverty as irreconcilable with the law of the land and the constitution of the country. The fair and honest course was to treat the case in a manly and straightforward way. He did not desire to hurt the feelings of any one, but the duty of that House was to investigate the constitution of those establishments, to ascertain what was the nature of those vows, and then let the Bill be submitted to the Committee, and included in their inquiries.

MR. KINNAIRD said, he wished to call attention to the fact that the hon. Member for Dundalk (Mr. Bowyer) had given notice that when the order for the nomination of the Select Committee on conventual and monastic establishments came before the House, he should move that the order be discharged. It was, therefore, possible that there might be no Committee at all. He would suggest, therefore, that the hon. Member for Dundalk should withdraw his opposition to that Committee, and that this Bill should be allowed to be introduced, and should be referred to it.

Question put.

The House *divided:*—Ayes 68; Noes 40: Majority 28.

List of the AYES.

Bankes, rt. hon. G.
Baring, rt. hon. Sir F. T.
Barnes, T.
Barrow, W. H.
Blair, Col.
Booth, Sir R. G.
Brocklehurst, J.
Cairns, H. M'C.
Challis, Mr. Ald.
Chambers, T.
Cheetham, J.
Craufurd, E. H. J.
Crossley, F.
Davies, D. A. S.
Drummond, H.
Duncan, G.
Dunlop, A. M.
Ferguson, J.
Fitzroy, hon. H.
Franklyn, G. W.
Frewen, C. H.
Greenall, G.
Hamilton, Lord C.
Hamilton, G. A.
Hayes, Sir E.
Hildyard, R. C.
Horsfall, T. B.
Hotham, Lord
Hudson, G.
Ingham, R.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, D.
Kershaw, J.
King, J. K.
Kinnaird, hon. A. F.
Lacon, Sir E.
Laing, S.
Langton, H. G.
Langton, W. G.
Lemon, Sir C.
Michell, W.
Morgan, O.
Mowbray, J. R.
Mullings, J. R.
Muntz, G. F.
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, R.
Palmerston, Visct.
Pigott, F.
Rice, E. R.
Robertson, P. F.
Rolt, P.
Sandars, G.
Sawle, C. B. G.
Smith, W. M.
Smollett, A.
Spooner, R.
Thornely, T.
Tollemache, J.
Walcott, Adm.
Walter, J.
Wickham, H. W.
Wilson, J.

TELLERS.
Whiteside, J.
Malins, R.

Bill *ordered* to be brought in by Mr. Whiteside, Mr. Malins, and Mr. Napier.

Bill read 1°.

The House adjourned at a quarter after Eight o'clock.

HOUSE OF COMMONS,

Wednesday, March 15, 1854.

MINUTES.] PUBLIC BILLS.—1° Declarations.
2° Payment of Wages.
3° Exchequer Bills (£1,750,000).

PAYMENT OF WAGES BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HUME said, he thought this was one of those instances in which hon. Gentlemen brought forward Bills which could only impress upon the working classes an idea of injustice being done to them by their employers. No one who read the proceedings of the monster meeting held in Lancashire the day before yesterday, could but regret the absurd opinions expressed there upon the part of the operatives with relation to their real position, and yet he believed the ignorance prevailing in that House was nearly as great as that which existed out of doors. He wished hon. Gentlemen would read the Reports of the different Commissions which had sat in 1812 and in subsequent years, because he thought it was unfair towards the people themselves to persuade them that there was a possibility of enacting laws to provide that which the experience of centuries had shown it was impossible to carry out. The question now before the House was not a new one, and he believed that the first Bill against which he gave a vote was one introduced at a time when everything was being done in Nottingham and other districts to paralyse and destroy the power of the manufacturers. When the excitement in Nottinghamshire among the framework knitters had driven from that district to Honiton one of the largest manufacturers of lace, and almost annihilated the trade, a Bill was introduced by a Committee appointed to inquire into the matter, and, it appeared to him, the House were afraid of refusing their sanction to it. He, therefore, moved that it be referred back to the Committee, and, when that was done, the letters of Captain Ludd were produced in the Committee, threatening death to every manufacturer who dared to oppose the Bill, and destruction to his property. The Committee carefully considered the circumstances connected with the payment of wages, and became thoroughly convinced that any injury done to the masters would be an injury done to the men, and that any interference with the payment of wages would be driving capital away from where it ought to be employed, and instilling most mischievous doctrines into the minds of the labourers, which would induce them to condemn the capitalists as their greatest enemies, whereas, in point of fact, the capitalists were their greatest friends. The reason why England was a flourishing nation compared with Poland and other countries was, that she possessed a large amount of capital, and manufacturers with energy and talent sufficient to employ it properly. When the combination laws were in existence, previous to 1824, workmen had great ground of complaint; but a Committee of that House removed those laws, and left the masters and men at liberty to meet peaceably together and make such arrangements as they thought fit, both as to the hours of working and the rate of wages, everything being left open, fair, and equal between all parties. The consequence was, that an end was put to some 600 or 700 secret societies and trades' unions, and it was only of late that ignorance had renewed the folly of former years. On the 27th of May, 1812, the Committee appointed upon the Framework Knitters' Bill stated, that their attention had been called to the payment of the wages of the men, and they condemned any attempt at interference on the part of Parliament in the regulation of the wages of the operatives. The whole of the parties called before the Committee declared that they had no wish to meddle with the payment of wages; and yet the Bill now before the House was proposed for that very purpose. He hoped Her Majesty's Government would oppose a Bill of such a nature—a Bill attempting the introduction of a principle which had been denounced from the time of Edward III. to the present day, and which it would be utterly impossible to carry out. He would advise hon. Gentlemen to read carefully the report in that day's *Times* of the meeting to which he had previously referred, and he thought it would show them the danger of interfering between masters and men. No man would go further than he in preventing strikes, for he well knew the injury they inflicted both upon the employers and the employed, as well as upon the country at large. He trusted the House would reject the Bill, and he gave it his most cordial opposition.

MR. CRAUFURD said, he would now move the Amendment of which he had given notice. He thought it would be a very singular course for the House to pursue to legislate upon a subject upon preconceived notions, without having any evidence before them of the working of the laws now existing. The last Truck Act, the one proposed to be amended by this Bill, was passed in the 1 & 2 of *Will.* IV. In about ten years after the passing of that Act, complaints were made that the evils of the truck system still continued, and of the insufficiency of that Act of Parliament to prevent those evils, and a Committee was appointed by the House for the purpose of inquiring into the matter. Did that Committee come to any result? Did they take any measures that would, in the least degree, justify the introduction of a Bill of this kind? Far from it. From the Report of Mr. Tremenheere it appeared that the Committee could not make up their minds as to any change to be made or any new legislation to be introduced, and the resolution they came to was simply to publish the evidence and the Report. Twelve years had now elapsed since that Committee sat, during which there had been a complete change in the commercial system of the country, and the House had endeavoured to introduce, as far as possible, the principle of free trade. In addition, the state of the labour market had been greatly altered by the opening out of our colonies and of the gold-fields, and, after such great changes in our commercial and social system, was it to be assumed that the evils formerly complained of were still in existence? But even assuming, for the sake of argument, that those evils were still felt, were there not means of repelling them other than by the stringent list of penalties now proposed to be enacted? If interference was deemed unadvisable when it was found that wages did not rise in proportion to the price of food, were they to start with the assumption—admitting, as the preamble of this Bill did, that the Truck Act had been utterly insufficient—that the only way to make that Act efficient was to inflict more forcible and stringent penalties? He contended that the House ought to act only after due deliberation, and that they ought to have clear and full evidence before them that the means proposed by this Bill were the only means of remedying an evil which he, for one, did not intend to deny existed. On the other hand, he considered the Truck Act of 1831 a piece of one-sided legislation, for he found from an abstract of it which he held in his hand, and which had been prepared under the direction of the

Statute Law Commissioners, who were actually engaged in consolidating all the laws relating to masters and workmen, that domestic servants or servants in husbandry, as well as a large body of artificers, were specially excluded from its provisions. Why, if the measure was a good one, should it not have been universal? If a Truck Bill was good as against iron masters, why was it not good as against agriculturists, builders, and artisans? Mr. Tremenheere said:—

> "No doubt many of the evils of the truck system may be traced to the extension of the period for the payment of wages, which are paid once a fortnight, once a month, once in three months, and even once in six months."

But did Mr. Tremenheere recommend legislation to compel the payment of wages weekly? No, he said it was beyond the power of legislation. He (Mr. Craufurd) contended that no legislation in this direction would put an end to the present evils. They had evasions, and they would have evasions, and he defied any lawyer whatever to draw any Bill which was contrary to the interest of those who were to be affected by it, that would not in some degree be evaded. A legislation that was insufficient in itself to meet the ends for which it was intended created a sort of immorality and an evasion of the law which were worse than the evils against which that legislation was directed. He felt that the proper course to pursue was to leave it to the parties themselves to make their own contracts, and let the law step in and punish those by whom such contracts were infringed. But to step in and say, "You shall pay a man in this coin or in that," was a great mistake. In the first place, what was the nature of coin itself? It was merely the representative of labour, and in some cases it might be more important to the labourer to be paid in kind rather than in money. The House admitted the principle that it was wrong to interfere between the employer and the employed, and yet they were called upon to legislate upon a branch of the question, because it was found that in some cases the truck system had been wrongfully applied. He contended that the question of the Truck Act was not the only question they ought to consider. The existing laws between masters and workmen were in a singular and improper condition, and required a thorough review and amendment, but the House ought not to touch one part alone until they could do something that would affect the whole matter. He did not deny the existence of the evils which had been complained of, but he disputed the means by which it was proposed to remove them. All he asked from the House was, not absolutely to reject the Bill of the hon. Member for Walsall (Mr. C. Forster), but to inquire into the operation of the laws affecting the relations of masters and workmen before they assented to it.

MR. HEYWORTH said, he willingly seconded the Amendment. He thought it incumbent upon the House, before affirming the principles of the Bill, to become perfectly acquainted with the laws regulating labour. Hitherto, he believed, the House had gone greatly astray with regard to these laws. The amount of wages altogether depended upon the amount of labour employed; when employment was plentiful the wages paid increased, but when employment became scarce, wages, as a necessary consequence, fell. The best mode of raising wages would be by removing, as much as possible, indirect taxation. If the Customs and Excise duties were further remitted, the result would be such a stimulus to employment as would be unparalleled. It was useless to attempt by legislation to raise wages to an arbitrary rate. The only real remedy for the evil complained of was to promote the independence of the men by improving their means of employment.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'before any further legislation on the subject of the payment of Wages be sanctioned by this House, a Select Committee be appointed to inquire into the operation of the Laws affecting the relations of Masters and Workmen, and to report whether any and what amendment may be requisite in those Laws,'—instead thereof."

MR. DRUMMOND: Sir, the hon. Member who has just sat down has treated the question as one of determining the rate of wages. That, Sir, is not the object of the Bill, nor has it any connection, direct or indirect, with such an object. And either the hon. Member is totally ignorant of the nature of the Bill, or he has intentionally diverted the mind of the House to a totally different subject. Sir, the mass of helpless labourers— [An Hon. Member: Not helpless.] The hon. Member says, "Not helpless." Sir, I repeat, the mass of helpless labourers in the manufacturing districts declare that they are defrauded by their masters. ["No, no!"] I repeat, they declare they are defrauded by their masters, and they come to this House to ask for redress. And the hon. Member for Montrose (Mr. Hume) himself showed that the necessity for protecting helpless labourers from the oppression of their employers had for a long course of years been recognised by Parliament, and various laws, ever since the time of Edward III., have been passed for the purpose of protecting the labourers. Now, Sir, I do not know of what use law is but to protect the weak. Nobody wants laws to protect the strong. These poor men say they are weak—they say they are defrauded; and then hon. Members assert that they are bad political economists, and do not understand the "rate of wages question." Sir, this truck system is a means of fraud—defrauding the men of a portion of their fair earnings. It is said that this is a bad time for such a measure, because the men are in rebellion against their masters. Sir, that may be a good reason for abstaining from language calculated to excite one class against the other; but it is also a reason why we should let the men understand that there are those in this House who will resist the masters when the masters are their oppressors, and who will endeavour to obtain for the men a fair measure of protection. Sir, I should like to ask some of the hon. Members who oppose this Bill, if they knew of any instance of a country gentleman having a shop on his estate, and refusing to employ any one who did not resort to that shop; how very different their language would be. Sir, the men have been excited by no persons more than by the gentlemen of the manufacturing interest themselves. I find the hon. Member for Manchester (Mr. Bright) saying, that "it is the industrial people who carry the aristocracy on their backs." Sir, that is all very well in a Manchester committee-room, but how is it translated at Preston? The men say there that they have had to carry the manufacturers upon their backs, and that they will carry them no longer. The men apply the doctrine to their own purposes, and hon. Members of the Manchester school have no right to blame them for doing so. Then another Gentleman, the hon. Member for Leicester (Sir J. Walmsley), I find speaking thus:—

> "The time will come when every man shall stand or fall by his own will. If the working classes will aid the middle classes in earnest, the upper classes shall be soon made to tremble; fall they must, for they are rotten at the core."

Sir, the labourers interpret this, also, in their own way, and they say that the "aristocracy" to them are the rich manufacturers, and that it is they who are "rotten at the core." [Sir J. WALMSLEY interrupted with some observation.] I copied this from a speech made by the hon. Member for Leicester as President of the Reform What-do-you-call-it—they have odd names—[An hon. Member suggested "Financial Reform Association"]—yes, as President of the Financial, or something or other of that kind, at Aberdeen. These gentlemen have excited the working people against the higher classes, and, intending to shoot the pigeon, they have hit the crow. It is said that we have started on a free-trade policy, and that it is contrary to the policy of free trade to interfere with the truck system. Now, is that free trade? Why, what is the truck system? It is free trade with masters for the robbery of the men! Then it is said it is of no use passing laws to prevent it, for the masters will evade them; it is the interest, it is said, of the masters to cheat the men, and cheat them they will, do what we may. Now the meaning of this is—that we shall see whether the rogues or this House are the strongest. It might as well be said—why pass laws against stealing; men will continue to steal. I do not doubt that the manufacturers will evade the law, which is the very reason for increasing the penalties, so that they may find breaking the law a losing game. An hon. Member says the remedy for the evil is to be found in the independence of the working men, and that if they are asked to deal at a truck shop they may refuse. Yes, and be discharged. Why, can any man be so ignorant as not to know that the lower classes are wholly dependent upon their employers—from day to day dependent upon their will? For one workman who is independent of his master, there are a thousand who are not so, and cannot refuse to deal at the master's shop. Sir, if the Committee which has been proposed as an Amendment were honestly designed to promote the end we have in view, I would not object to it; but my belief is, that it is proposed for no such purpose, but to defeat and baffle the men. It was a master-manufacturer's Amendment, and I will vote for this or any other measure which will give to the men the redress of which they say—and they are the best judges on that point—they stand in need of.

SIR JOSHUA WALMSLEY said, he had no recollection of having said what the hon. Member for West Surrey attributed to him; but if it were so, it had reference to a totally different subject, and he must beg to tell the House that, so far from having an objection to legislation on this subject, his name was on the back of a Bill to provide that the payment of wages should be made in coin, and which would come before the House next Wednesday. He quite concurred in the observations that had been made, that great abuses existed and had existed for many years past, and he was anxious that those abuses should be prevented. He spoke now of the Bill before the House. His hon. Friend the Member for Montrose (Mr. Hume) appeared to have mixed up the two Bills together. He had great respect for that hon. Gentleman's opinion at all times; he believed that no man desired to act more favourably to the working classes, but it appeared to him that the result of the Report of the Committee which the hon. Gentleman had read was quite opposite to that which the hon. Gentleman supposed. The Report of the Committee was to the effect—

> "That the attention of the Committee was called to the desirability of preventing the workmen in this manufacture (the hosiery trade) being paid in goods instead of money. This is no matter of opinion, because there can be but one opinion on the subject. This mode of payment was prohibited so long ago as the reign of Edward IV., and there are Acts of Parliament passed in the reigns of George I. and George II., which expressly say that men shall be paid in money, and not in goods by way of truck."

The Committee went on to say that—

> "It is in evidence this practice prevails in some villages, but no evidence has been given before the Committee that any of the respectable houses in Nottingham have adopted it; and, indeed, it seems to be principally adopted by what they call bag hosiers, or persons not bred to the trade."

That Report showed that, if they had legislated at that time, the practice would not have increased to the extent that it had. Political economy had been pressed into the question. Now, political economy was not a one-sided question, and where there was oppression on the workmen, they ought to interfere. He hoped they would interfere. He believed it to be in accordance with political economy, and in strict accordance with the principles of free trade, that the masters should not be permitted to oppress the workmen, by taking from them half of their well-earned wages in the shape of rent or charges; and if hon. Gentlemen would deal with this question in a spirit of fairness and justice, as far as his experience went, the workmen were always willing to act in the same spirit. He was sorry to say there was a feeling now rising up between masters and workmen of the very worst description, and if that House could, by listening to the reasonable complaints of the workmen, lessen that spirit, they would do a very great deal to promote harmony, and the interests of trade and commerce in this country.

MR. BOOKER said, he was of opinion that further legislation on this subject was absolutely necessary. As an employer of labour to a considerable extent, he believed the truck system to be an abominable system, which the strong arm of the law must put down. He was most desirous that it should be put down, for the sake of the labourer, as well as for the sake of the employer, for it was most mischievous and injurious to both. He would take the case of the man who paid 100,000*l.* a year in wages, which happened to be pretty much his own case; if he could retain out of that fifteen or twenty per cent in the shape of profits from the truck system, what did he care for the competition of the legitimate trader? Then with respect to the workmen—a case had occurred lately in which a father and his three sons had applied to him for employment, and had assigned to him as their reason for so doing that the establishment at which they had been working was one in which the truck system prevailed—that their joint earnings being nearly 10*l.* per week, it was impossible for them to consume the articles in which their wages were paid, and equally impossible for them to put by anything for a rainy day, to join a club or benefit society, or to make provision for sickness or old age, or for any of those reverses to which all parties were more or less liable. He was aware that the changes which had been made in our commercial system, in the combination laws, and in many other matters, within the last few years, might interpose some difficulties in the way of applying a legislative remedy, but he thought that some means might surely be found to remedy the present complaints. The truck system was vicious in principle and bad in its operation, and it was the duty of Parliament to devise some plan by which the workman, on the one hand, and the honest employer of labour, on the other, might be protected.

MR. H. A. BRUCE said, he would not object to the Amendment, if he thought that it had been proposed with the view of ensuring a full consideration of this most important question. He believed, however, that the inquiry which was proposed was far too extensive to be efficiently dealt with by a Committee in the course of the present Session; and that the object of proposing the Amendment was to defeat inquiry altogether. For that reason he should support the second reading of the Bill. He did not agree with the hon. Member for Montrose (Mr. Hume), that this measure would be likely to increase angry feelings between the employer and the employed. His wish, in supporting it, was to allay angry feeling, for he had seen the worst results from the existence of that state of things which the Bill was designed to remedy. He had that day presented a petition from a district of Glamorganshire, in which it was stated that 1,500 workmen had struck work, suspending all the operations of the ironworks to which they belonged for seven weeks in a struggle to prevent the introduction of the truck system. How could the masters and workmen settle these things among themselves, without bringing upon the country those very evils which the hon. Gentleman so strongly deprecated? What weapon had the workman with which to protect himself, except the fatal one of a strike? He had himself been witness of the evils resulting from strikes, and of the bitterness of spirit engendered by them, and it was his belief that many of those evils might be remedied by the Legislature. He therefore supported this Bill as a milder remedy for the mischief which was brought by the truck system upon the working classes in the districts where it prevailed. Its object was simply to carry out the spirit of the former Act, which it was notorious had been in many cases violated. That Act provided that all contracts made for the payment of wages in goods should be void; but he knew, from his own experience and observation, that it was extremely difficult, from the manner in which the arrangements between masters and workmen were made, to get legal evidence of a contract such as would satisfy the requirements of the Statute, and it was therefore proposed by the present Bill to enact that the payment of wages in goods should in itself be evidence of a contract. There was thus, as he contended, no violation whatever of the spirit of the former Act; for, whereas the object of that Act was to secure payment in money instead of goods, this Bill declared that the payment in goods should be punishable. Another defect in the present law was the inadequacy of the punishment, taking into consideration the wealth and position of the parties who were generally the offenders. It was proposed to remedy this by doubling the penalty for the first offence—at present not less than 5*l.*, nor more than 10*l.*—and to make the second offence a misdemeanor, and the penalty 100*l.* Even this amount was not large for men who were making their hundreds, or, perhaps, their thousands a year by continuing the truck system; but the value of the change would consist in making the offence a misdemeanor, and in bringing the offender to a public trial. He believed that this publicity would have a very salutary effect, and that many would be deterred by the fear of it from persisting in a course which no other influence had proved strong enough to induce them to give up. In Merthyr Tydvil and the neighbourhood some informations had been laid under the existing Act soon after it had passed, and the result had been that the masters had refused to submit to the degradation of public prosecution and punishment, and the system had been abandoned and had never since been resumed. The hon. Member for Montrose (Mr. Hume) had said, twenty years ago, when that Act was passed, that there were two hon. Members connected with South Wales who were prepared to state that the measure was likely to produce ruin in their districts. How had that prophecy been fulfilled? The population of Merthyr Tydvil had increased since then from 22,083 to 46,382; and the make of iron from 71,460 tons to 210,000, and this notwithstanding that the truck system had been abandoned. The hon. Member for Montrose had said, at the same time, that in his opinion the system rather tended to improve the condition of the labourer; but he (Mr. Bruce) could undertake to state to the House, from his own knowledge, as well as from general information, that there was a vast difference between the condition of the workman in those districts in which the truck system prevailed and those in which it did not exist, and that it was all in favour of the latter. He did not mean to say that this was the case wherever the master kept a shop. He knew that there were some masters who sold their goods at a fair and reasonable price, but the power of paying wages through a variable medium was a dangerous one to be given to any man. There was no law regulating the amount of interest upon money invested in trade, and when times were bad, and the legitimate profits of the master's business small, the temptation was strong to use the power in his hands to extract from the workmen a larger amount of profit than he would be otherwise enabled to do. A gentleman who was most minutely acquainted with the condition of the iron districts of Wales, but whose name, because it might be injurious to him to mention it, he felt bound to withhold, had written to him thus upon the subject:—

> "The evil results from the truck system have not been confined to the positive pecuniary loss which is entailed by their being often compelled to purchase the most inferior goods at prices considerably above the fair market value, but have a much wider and more baneful influence, discouraging, as they do, the efforts of the working man to economise the proceeds of his labour, or to provide by prudent savings for a time of adversity or old age. It has also always appeared to me that drunkenness and depravity prevailed to a greater extent at those works where the truck system was in full operation than where it did not exist."

It was contended sometimes that the truck system prevented drunkenness, by defending the workman himself; but the fact was, that by the payment of wages in goods the workman was deprived of those means of extending his general intelligence, of sharpening his faculties, and exercising his judgment, which resulted from the free expenditure of his own money by himself. For every cottage built by a working man in those districts of Wales where the truck system prevailed, there were ten built by the same class in the districts where it did not prevail. He should cordially support the second reading of the Bill, being convinced that it provided against all those evasions which had hitherto been practised, although he would not say it provided against all that the acuteness of self-interest might devise.

MR. BRIGHT said, he thought he detected some inconsistency in the course taken by the hon. Member for Herefordshire (Mr. Booker), who had avowed himself much opposed to the truck system—to the keeping of a shop to which every man should be compelled to go. The hon. Member in that House, as long as he (Mr. Bright) could remember, had always been in favour of a great national "truck shop," and had made many speeches in his hearing, in which he had advocated that the 27,000,000 of people of this country should go to the shop of the Herefordshire farmer—that he should not go out of this country, or off the premises of the landed proprietors of England, for the purchase of the necessaries of life. He admitted the hon. Member to be an authority as to the facts taking place in his district, but he did not admit him to be at all a better judge, on that account, of the course which the Legislature ought to take. He understood it to be admitted that all that had hitherto been done by the Legislature in the direction contemplated by this Bill had resulted in failure—

MR. H. A. BRUCE: No, on the contrary; I say that to a certain extent the last Act was successful.

MR. BRIGHT: Then if it was successful in Glamorganshire, he could not see why they should require a new Act for Staffordshire and Monmouthshire. The general opinion, however, was that past legislation on this subject had been a failure. It was now proposed to make the law more severe. The second offence was to be a misdemeanor, and no shop was to be allowed so contiguous to the works as to be a portion of the premises. Informers, too, were to be let loose throughout these districts, for the purpose, he supposed, of perfecting that great harmony which the hon. Member for West Surrey (Mr. Drummond) was so anxious to see established between the employer and the employed. Hon. Gentlemen spoke of ironmasters and large employers making vast profits; but unless the iron and other trades were in a most deplorable condition, the profit to be obtained from keeping those shops could be of very little importance to the employer, and it was far more likely that one large shop would be able to supply goods cheaply than twenty small shops would. But he would not stop to argue that question, because he was quite sure that, under the present condition of labour in this country, there could be no permanent, continuous, irritating tyranny, such as had been described by the promoters of this Bill, which the working classes themselves were not perfectly well able to correct without coming to the House of Commons for a new measure. But with reference to the practical working of this Bill, there were difficulties which he was quite sure the House could not fail to see. Suppose a man chose to say that in a certain shop goods were sold to workmen, and that he had reason to believe the employer had a concealed interest in it—for the Bill prohibited all interest, direct or indirect—he should like to know what they were going to do, or how an investigation into matters of that kind was to be carried on. As to breaking down a system which the employers found in some cases profitable, and in other cases convenient, they could no more do it by Act of Parliament than they had been able to do it by Act of Parliament heretofore. But what was the amount of the grievance? It applied principally, as he understood, to Staffordshire and Monmouthshire; for in Lancashire and Yorkshire, where a vast amount of labour was employed, and employed in large masses, complaints of the working of the truck system were scarcely ever heard. If that were so, it was not the law which allowed truck shops in the one case, and prevented them in the other—it was something different in the moral, social, and intellectual condition of the workman and employer—that was, supposing it to be a real, existible, tangible grievance, which, as a general rule, he denied. But supposing the grievance to exist, how were they to proceed to deal with it by law, seeing that they had a law already which in Glamorganshire had proved sufficient to put it down, and that in Lancashire and Yorkshire it did not exist at all. The hon. Member for West Surrey had spoken of the turn-outs, and observed they should do all they could to allay any animosity existing between the employers and the employed. But the hon. Member, who was very paradoxical in the speeches which he delivered in that House, had complained of persons stirring up enmities amongst people, in a speech which tended as much in that direction as it was possible for any speech to do. He had referred to the war going on between the operatives and the employers in Lancashire. Well, all this turn-out in Lancashire, which had been greatly magnified in the London papers, had its favourable as well as its unfavourable side. It showed, at all events, that the operatives were free to meet, to speak, to act, to organise for what they believed to be their rights; and, however mistaken they might be—and he believed that in this instance they were mistaken—consolation was to be derived from the fact that they had shown themselves able to fight their own battle, and to fight it so far, without breaking the law of the State. The hon. Member for Merthyr Tydvil (Mr. H. A. Bruce) assumed that there was a difference in the social condition of the population in those places where the system did exist and where it did not [Mr. BOOKER: Hear, hear], and the hon. Member for Herefordshire cheered the sentiment; but he would ask whether it might not with equal truth be said that the population in places where there were such shops was quite as well off as in those districts where they did not exist? Indeed, in some cases, he believed, a positive benefit resulted from the employer providing such a convenience; and although the hon. Member for Merthyr Tydvil had said it was a dangerous thing to trust so much power to one man as that involved in the supplying of 3,000 or 4,000 persons with food, he might reply that it was equally an evil that one man should employ so many; but it was an evil resulting from necessity; for where large operations were to be carried on, and much capital was to be employed, as in the case of manufactories or ironworks, large numbers of persons must be employed under individuals, and the very fact of the employment rendered them susceptible to his influence, both moral, social, and political. He was willing to admit that in a Welsh valley, where, in so large a tract of land as four or five miles, having several villages in it, most of the labouring population were under the control of one master, he might make such a shop an instrument of oppression; but if he had no shop, he might bring his influence to bear by his general treatment in an equally harsh manner, and that was an evil which could be corrected only by public opinion and by his own sense of what was due to his workmen, and all attempts to do that by Act of Parliament which could only be done by calling into existence principles infinitely beyond Acts of Parliament would prove vain; and he thought the attempt to remedy this evil by legislation drew people from the contemplation of the true means of remedying it. The object of the Bill was to shut up the shops now allowed on the premises of the employers, so that, in some cases in Wales, the effect would be, that people might have five miles to walk to get things. Why should not an ironmaster be allowed to keep a shop? Was there any reason on earth why small shopkeepers, who were no more honest, should have the privilege of carrying on business, undisturbed by the competition of larger capital, which might afford facilities for cheapness they did not possess? He objected to this Bill, because he believed it was founded on wrong principles, and drew the attention of the working classes from the contemplation of the true means of alleviating their condition; and he considered it extremely undesirable for Parliament again to stir in this question after making so many failures, and at a time when the working population of the country were, in comparison with their employers, more powerful and better organised than they had ever been before. He should therefore give his vote most cordially against the second reading of the Bill.

MR. C. FORSTER, in reply, said, as far as he collected from the speech of the hon. Member for Montrose (Mr. Hume), he objected to the measure because it sought to interfere with the mode of paying wages; but, in justification of such a course, he could quote an authority which had always been greatly regarded in that House, and that was Mr. Huskisson, who, speaking on this subject, said it was the duty of every State to ensure the fulfilment of contracts in the sense in which those contracts had been made. It was the argument of the promoters of this measure that, in consequence of the existence of the truck system, contracts were not fulfilled in the sense in which they had been entered into, and that, in point of fact, the profit which arose out of the truck shop to the proprietor was a detriment to the wages, for he could appeal confidently to any hon. Gentleman who heard the facts brought forward on the last occasion to say whether they did not show a state of fraud and oppression clearly calling for the interference of Parliament. Some cases had been relied upon to show that the truck system was really a benefit. He did not deny that there were many exceptions to the general rule; and one of the most honourable was, he was glad to say, to be found in the person of the late Sir Josiah Guest, who had conducted one of these establishments on principles so liberal as to cause great regret when it was abandoned. But in the great majority of cases, truck shops existed under circumstances very differen from those in the midst of populous towns and where, if they did not exist, retail dealers would be able to supply the workmen far better—dealers who had incurred the risk and expense of establishing themselves in business, and whose custom was unfairly diverted from them by this illegal system. Some instances of that kind had been given in Mr. Tremenheere's Report, where, from such causes, 4,000*l.* to 5,000*l.* per annum was lost to the retail dealers. This, however, was essentially a workman's question, although, perhaps, the retail dealers might have some reason to complain of a system in which both themselves and the workmen suffered in common. But there was another class of persons affected by the system, and that was the money-paying employer, who, not having any return through truck shops, was put to a disadvantage in competing with the manufacturer who adopted the system, and this had been so sensibly felt in Staffordshire, that manufacturers had said that, though opposed to the system, they would be obliged to have recourse to it. In asking for the second reading of the present Bill, he was not asking for any new principle, for the present measure was in strict accordance with all former legislation on the subject. He had rejected many plausible suggestions because they differed in principle from the Act of 1831, and all his wish was to see the spirit of that Act carried out to its full extent. With regard to the Amendment which had been moved by the hon. and learned Member for Ayr (Mr. Craufurd) he hoped they would not delay the matter for another year, and thus entail much disappointment after the delay the question had already experienced, for he was persuaded that the Parliament of 1854 was no less sensible of the evil complained of, and no less anxious to repress it, than the Parliament of 1831 had been, and he therefore asked them not to disappoint the hopes of those whose petitions had been read at the table, and who petitioned the House in the full confidence that they would obtain justice and redress. On these grounds he asked the House to assent to the second reading of the Bill, in order that the matter might afterwards be referred to a Select Committee, when all the principles involved might undergo a thorough examination, so that, in the course of the present Session, after obtaining the fullest information, they might come to a settlement of the question in a manner which would entitle them to the gratitude of the working classes, who, as the hon. Member for Manchester (Mr. Bright) had said, formed so important an element in the strength and stability of the country.

LORD STANLEY said that, representing as he did a purely agricultural borough, he did not consider that he was strictly called upon to take part in this discussion, and yet he was anxious in a few words to explain the reasons which would influence his vote. He objected to this Bill on three grounds: first, because he believed it to be unsound in principle; secondly, because it was unnecessary as a matter of justice; and, lastly, because he felt quite certain that it would prove inoperative for the purposes for which it was designed. He was not unaware of the critical state of the relations now existing between the employers and employed in the manufacturing districts, and should be happy to find those relations placed on a better footing. He confessed, however, that when the House of Commons undertook to carry legislation and Parliamentary interference on this subject further than it had been already carried, it was committing itself to a very difficult, a dangerous, and delicate course. But, in saying this, he did not for a moment mean to state that, after their experience of the last few years, no cases would occur in which such interference was not justifiable; at the same time it must be always borne in mind that all such legislative interference ought to be exceptional. It seemed to him that the endeavour throughout the discussion had been to show that the employed were entirely in the hands of the employers; now, he believed that the occurrences lately witnessed in Lancashire fully disproved any such conclusion. And if that was the case at present, as times advanced he felt quite sure it would be less so still. For no one could avoid observing that the general course of things during the last few years had been to increase the value of labour, and the consequent effect had been to elevate the position and increase the independency of the labourer. He had already given it as his opinion that the Bill would be likely to prove inoperative. It consisted mainly of two provisions, the second of which declared that for the future it would be unlawful to have shops attached to the buildings wherein the works were carried on. Now, either the House was of opinion that the operative was in the power of the employer, or that he was not. The former assumption he (Lord Stanley) believed to be an entirely erroneous one; but, supposing he was wrong, he was still quite certain that the provision in question would do nothing to remove the labourer from such a position. Again, it seemed to him to be invariably assumed that the fact of the employer maintaining shops for the use of his labourers was a direct or indirect injustice to the employed; he was quite aware such at least was the common opinion, it being assumed that the master necessarily made a gain out of such establishments. Well, perhaps he did; but it did not at all follow that what was gained to the master was lost to the employed. They had heard much of the profits which were made by the small trader. No doubt those profits were very large; in many instances they were exorbitant, but he did not think that in any case it had been made out, where concerns of the kind alluded to in this Bill were under the control of the master, that the profits derived from the labourer were greater than when he was free to go where he might choose. Looking, however, at the case as a whole, he must say that there was a great deal of injustice in applying such legislation as the present solely to the case of the manufacturer. He, of course, was perfectly ready to admit the great social influence which a manufacturer possessed over the operative population around him; but he was not aware that that power was necessarily greater than that which a landlord possessed over his tenant, especially where that tenant held only a small farm, or was a man of but limited capital—and he might be allowed to add, that of his own personal knowledge he could state, that in many parts of England it had been the practice for landlords to provide for the convenience of their smaller tenantry by the establishment of beer-shops. Now, that was a practice which had never been complained of, and though of course, as in the case of the manufacturer, it was one liable to abuse, still he believed that in neither case had that abuse prevailed to any great extent. He should certainly, then, offer his determined opposition to the Bill of the hon. Gentleman, believing that, if carried into effect, it would be productive of very great hardships. He, therefore, trusted that the House would reject it.

Mr. MOFFATT said, he believed that the present title of the Bill was a complete misnomer, and that it ought to be entitled a Bill for the protection of shopkeepers, much rather than of artificers. He felt perfectly satisfied that, if a Committee were granted, and there were a full inquiry, it would be completely demonstrated that in most of the districts where these shops had been established, there had been, as a consequence, a constant and large decrease in the price of the articles of consumption generally used by the population. He did not believe that there was among the employed anything like the general feeling of hostility to these shops which hon. Gentlemen seemed to assume, nor could he see why there should be, inasmuch as the goods sold at them were better than those sold by little tradesmen at shops conducted on a different system. It was worthy of observation, also, that not more than two petitions had been presented in favour of the Bill. If the working classes were opposed to the present system, why had they not petitioned the House against it?—which they would infallibly have done, had they considered that it injuriously affected their interests. He must say he could have but little confidence in a measure, the promoters of which were unwilling to have its merits tested before a Select Committee, as was the case with the Bill now before the House. It was his firm conviction that the House had been called upon to legislate rather against than for the interests of the operative classes.

MR. BOUVERIE said, that there was a very considerable population in the mining districts of Scotland, as deeply interested in the prosecution of the measure before the House, as were the working classes in Staffordshire or Wales. As he understood it, the object of the Bill was to put a stop to some, at least, of the modes in which the existing law was evaded, for there could be no doubt that in particular districts, in England as well as in Scotland, the evasions in question had been the sources of the greatest ill-will and heartburnings between employers and employed. For the operatives said, and said with great reason, "there was a law upon the Statute-book which declared that wages should always be paid in money, and never in goods, and yet you will not so frame your enactment as to carry out your intention, and remedy the evil which it was acknowledged existed." Mr. Tremenheere stated that through the working of this truck system seven per cent was put into the pocket of the master, and therefore every mine-owner who evaded the law was getting that advantage at the expense of those who endeavoured to keep the law. But because the law was evaded, were they to proclaim themselves incompetent to deal with the subject, and to prevent fraud? The noble Lord the Member for Lynn Regis (Lord Stanley) and the hon. Member for Manchester (Mr. Bright) seemed to consider that, because the evils complained of had no existence in Lancashire, they were not to be dealt with. Now, he might here observe, that it had often struck him that, in the view of the hon. Member for Manchester, all England and Scotland was comprised in Lancashire, and, therefore, what was good for that county he reckons to be good for the whole of England and Scotland.

MR. BRIGHT: Perhaps the hon. Gentleman would be pleased to recollect that he (Mr. Bright) had included Yorkshire also in his observations, and that then they had a much more populous division of the country than the two districts alluded to on the other side.

MR. BOUVERIE: Well, he must include Yorkshire in describing the theory of the hon. Gentleman, and then they would have a district for which, if legislation was not required, it could not possibly be required for any other part of the country. That, however, was not his conclusion; he believed rather that the plaster ought to fit the sore, and that wherever an evil was found to exist, there the remedy ought to be applied. Although the Amendment of the hon. and learned Member for Ayrshire (Mr. Craufurd) embraced an inquiry on which he (Mr. Bouverie) was by no means unwilling to enter—namely, into the relations between employers and the employed —still that hon. and learned Gentleman should bear in mind that all the present Bill endeavoured to attain was to prevent violations of the existing law; and with that view of the case he was prepared to give the measure his cordial support.

MR. PACKE said, he perfectly agreed in the observations of the hon. Gentleman who had just sat down. The hon. Member for Manchester (Mr. Bright) had commenced his speech by mounting once again a very old hobby of his, and had gone out of his way, and had diverted the attention of the House from the subject under consideration, to attack an hon. Friend of his, the Member for Herefordshire (Mr. Booker), who had been, as all would acknowledge, for many years the consistent advocate of the rights of native industry in this country. A great part, however, of the hon. Gentleman's speech was taken up with a denial that any evil existed at all. Now, even the hon. and learned Gentleman the mover of the Amendment did not deny that there were very serious evils to be complained of; at the same time, however, it would be imagined from the nature of that Amendment that the Bill now before the House contained some new principle, and that the Select Committee would have to inquire into some subjects on which a general ignorance prevailed. But he might be allowed to invite the attention of the hon. and learned Gentleman (Mr. Craufurd) to the fact, that twenty years ago an Act had been passed prohibiting certain traders from paying wages otherwise than in the current coin of the realm. For himself, he could affirm that he had most attentively read the Bill, and he was therefore able to state that its simple object was to prevent the evasion of the former Act of Parliament, so that a labouring man might obtain a fair day's wages for a fair day's work. He would therefore most cordially support the second reading of the Bill.

Sir BENJAMIN HALL said, he merely rose in consequence of some observations which had fallen from the hon. Member for Ashburton (Mr. Moffatt), in endeavouring to throw some doubt on the statement of the hon. Member for Merthyr Tydvil (Mr. H. A. Bruce), than whom, from his own personal knowledge of that hon. Gentleman, he (Sir B. Hall) could state there was no one, either in that House or out of it, more capable of giving an opinion as to the working of the present law, or the condition of the operatives in the country surrounding Merthyr Tydvil. Nor did he imagine that the hon. Gentleman (Mr. Moffatt) could be as well acquainted with the locality in question as he himself might be. It was not, perhaps, too much for him to say that he had been connected with that county, both by property and residence, ever since his birth, and, therefore, he might very safely assure the hon. Gentleman that if he was inclined to go down there, on his arrival he would find that the evils complained of in that House, both now and on former occasions, existed there to the fullest possible extent; and he might be allowed to add, that, although some of the larger collieries had been accused of carrying out the truck system in its very worst form, that was not quite the case, for it was carried out to an extent much more pernicious and vexatious in the case of the smaller ones. The hon. Member for Manchester (Mr. Bright), and other hon. Gentlemen who shared in his views, had, however, assumed a very high tône—the tone, perhaps, of certain philosophers, who found it rather difficult to reduce their conclusions to practice; and would have the world to believe that it was extremely hard, extremely tyrannical, in the House of Commons to interfere between the employer and the employed. He believed, however, that it was their duty so to interfere when they discovered cases of oppression which could only be met by legislation, and he could state fearlessly and without the slightest dread of contradiction, that he did know that in those counties with which he was connected by property—he meant the counties of Monmouth and Glamorgan—the greatest dissatisfaction prevailed amongst the workmen in mines and collieries, and that in consequence of the vexatious and oppressive conduct of some of the larger as well as the smaller employers. He believed the proposition to refer the Bill for consideration before a Select Committee was a perfectly fair one, and one well worthy of the attention of hon. Members; for he believed that even if they went no further with the Bill, it would prove to the working classes of the country that the House of Commons would not be prevented from taking up their cause through any philosophic or economic notions that it might please hon. Gentlemen to vent.

Mr. MOFFATT said, he wished to let the House know that his authority for his statement on the subject of the Welsh colliers and miners was the present High Sheriff for the county of Monmouth.

Sir GEORGE GREY said, he could not entirely concur in the opinion expressed by the hon. Baronet the Member for Marylebone (Sir B. Hall), as to the course which the House was called upon to take with respect to this Bill. It appeared to him that the question had assumed a different shape since the present debate had commenced—it had seemed to him that the question, on the one hand, was as to the second reading of the Bill, and, on the other, whether they ought not rather adopt the Amendment of the hon. and learned Member for Ayr (Mr. Craufurd), and agree that a preliminary inquiry ought first to take place? Now, as to the two issues, it struck him that there could not be much doubt which to choose, for he believed that already the subject had been amply considered. In 1842, a Committee of that House had sat, and received a great mass of evidence, but, having received that evidence, they felt themselves unable to offer any further remedy for the grievance complained of. In 1851, when he had the honour of holding the office of Secretary of State, very strong and numerous representations were made to him, chiefly from the county of Stafford, complaining of the violation of the Truck Act, and of the insufficiency of the Act to remedy the evil. At that time, too, he had an interview with a number of persons from that district of the country; and he confessed he was not led, from the information he received from them, to anticipate any benefits from the then proposed amendment of the law. It appeared to his informants that adequate provision was not made for enforcing the existing Act, and on his (Sir G. Grey) taxing them with not availing themselves of the protection of that Act, they answered, that their position relative to the masters was such, that if they attempted to do so they would lose their employment. Well, then, he asked, in that case, what was the use of a more stringent Act, when they urged that there were defects in the "Act itself; and it appeared to them that Parliament having sanctioned the principle of the Truck Act, it was a fair subject for further inquiry whether those defects or omissions were such as Parliament could remedy, in order to carry out its own intentions." On that he assured them he would undertake to institute some inquiries, and accordingly he asked Mr. Tremenheere, not wishing to institute a formal inquiry, to examine respecting three points—1, as to the magnitude of the evil still remaining; 2, as to whether the continuance of that evil arose from a defect in the law, or from the indisposition or inability of persons to enforce the law; and, 3, whether any amendment of the law could be beneficially made. A Report was therefore presented to him by that gentleman, and to which allusion had already been made, stating that though the evils complained of did exist to a considerable extent, yet at the same time it was to be most distinctly understood that the Truck Act had done very great good, and had been productive of very great benefit, in preventing employers establishing a set off against the payment of money in the delivery of goods. With regard to the third point, he was equally certain that the Act might be amended. When, however, the House came to look into the recommendations which Mr. Tremenheere had sent in they would find that the only one of any importance had been embodied in the present Bill. No provision had been made to guard against collusive payments taking place, and therefore a remedy against any such practice would be found embodied in the first clause of the measure of the hon. Gentleman (Mr. Forster). But with regard to the second clause of the Bill, which prohibited any shop being maintained on the premises, he felt necessitated, on the part of Mr. Tremenheere, to say that such a provision formed no part of his recommendations, and that he most distinctly disavowed any suggestion of the kind. As to the other provisions of the Bill, they were very trifling, and two of them were founded upon the Report of Mr. Tremenheere. One of them named the period of three months within which informations against infringements of the Act should be laid, but which seemed to him to be objectionable, as he thought that all such informations should be laid at the earliest possible period. As far, therefore, as his opinion went, the only question which they had to decide was, whether the first clause of the Bill, carrying out, or at least professing to carry out, the recommendations of Mr. Tremenheere, with the view of giving effect to the intentions of the Legislature in the passing of a former Act, supplied sufficient grounds to induce them to consent to the second reading of the Bill, and then have it referred to a Select Committee. But when the hon. Member for Walsall (Mr. C. Forster) rose, it was discovered that that was not the question at all; for that no inquiry was necessary. The hon. Gentleman said, "Pass my Bill first, and then set about your inquiries." Last year a Bill had been introduced by the noble Lord the Secretary for the Home Department on this subject, but withdrawn, as it was to be presumed, because the noble Lord had some doubts as to the course to be pursued; and it would appear that on the present occasion he only assented to the second reading of this Bill on condition of its being referred to a Select Committee. Now he must say that if there was to be an inquiry at all, that inquiry ought, in common fairness and in common sense, to precede any pledge given by that House as to the amendment of the Act, rather than succeed it. For himself, he must say he should infinitely prefer that inquiries should precede any pledge, while, at the same time, he confessed he did not anticipate that any benefit could accrue from such a step, after the experience of previous investigations. He believed they already possessed ample information for their guidance, though he very much feared the House of Commons would never be able to carry out the wishes of those who were urging them from outside, or effectually by legislation to eradicate the evils complained of.

Mr. C. FORSTER said, he wished to correct a mistake into which the right hon. Baronet who had just resumed his seat had fallen with regard to an observation of his. He had not said, "First pass the measure, and have an inquiry after;" what he said was this, "First affirm the principle of the Bill by consenting to a second reading, and then refer its details for examination before a Select Committee."

Colonel BLAIR said, as representing one of the largest iron districts in Scotland, he wished to observe that it was his distinct impression that the state of those districts was very much owing to the existence there of the evils on which the Bill before the House was founded. If it was untrue that no such extortions as were complained of prevailed, all he could say was, that masters and employers in that part of the country were a very abused race of men, because no one could deny that a very general impression prevailed that the grossest abuses existed under the present system; that it was a system which drove the workmen into debt, and that when once they got into it they were completely in the hands of these shopkeepers. The hon. Gentleman the Member for Manchester had said it would be a very unpleasant duty to have to go down to remote parts of the country to intermeddle with the owners of the shops. That might be so; but of this, too, the hon. Gentleman might be quite certain, that if he were to present himself in the districts in question, he would not be received altogether in that cordial manner which his argument seemed to anticipate. He trusted that the recommendation of the Government would be followed, and that the Bill would be submitted to a Select Committee.

Mr. CHEETHAM said, he could bear testimony that amongst employers and employed in Cheshire no such disputes as those recounted took place. He believed that the measure now before the House was but a continuation of the partial system of their legislation, for he was unable to discover why the case of landlords and tenants was not included within its scope. As a magistrate himself he could state that the only complaint on the part of the employed which he had ever dealt with, was in the case of a large body of agricultural labourers. He should most cordially support the Amendment of his hon. and learned Friend the Member for Ayrshire (Mr. Craufurd).

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 166; Noes 56: Majority 110.

Main Question put, and *agreed to*.

Mr. HUME said, he rose for the purpose of saying that, having been referred to by his hon. Friend below him, the Member for Kilmarnock (Mr. Bouverie), he had never felt more disappointed with a speech in his life. The hon. Gentleman had described him as being for the abolition of all laws regulating the engagements of the employer and employed. Now, if he would refer back to the year 1831, he would find that the language which he (Mr. Hume) then held was, that if they would but repeal all the Truck Acts, from the 4th of Edward IV. down to that day, and admit that they had been all useless, that he would then not object to the framing a new Bill, making the penalties anything it pleased them, even hanging if they would. Although hon. Gentlemen were very fond of recounting him as a false prophet, he would venture to state, that the same success would attend their efforts now in their attempt to regulate the arrangements of master and man, as had followed a similar effort in 1831. He must say, it was a perfectly lamentable sight in these days of free trade, when sound principles were in the ascendancy, to see Her Majesty's Ministers falling back upon such unworthy legislation.

Bill read 2°, and *committed* to a Select Committee.

FISHERIES (IRELAND) BILL.

Order for Second Reading read.

Sir JOHN YOUNG said, he did not understand what course was proposed to be taken in respect to this Bill. He, however, felt called upon to observe that he thought it was a most objectionable measure. It would interfere with a great number of private as well as public interests. He had looked through the Bill, and he considered that it was impossible to find out any definite or intelligible object which it had in view. There was the greatest possible alarm and anxiety created throughout Ireland in regard to this measure.

Mr. SPEAKER said, he must remind the right hon. Gentleman that there was no Motion before the House.

Mr. I. BUTT said, that he would then

move that the Bill be read a second time that day six months. Several of his own constituents, who had an interest in the Irish Fisheries, and who would be seriously affected by this Bill, had written to him strongly in regard to its provisions. He did not think that it was at all fair to those who were interested in the subject to keep a Bill of this kind hanging over that House by perpetual postponements.

Sir JOHN YOUNG said, he believed that the hon. and learned Gentleman who had prepared the Bill was now on circuit (Mr. M'Mahon); and, perhaps, under ordinary circumstances, there would, therefore, be some reason for postponing it. He should be sorry to fail in courtesy to the hon. and learned Gentleman, but the measure was in itself so objectionable, and had been for so long a time before the House, that he thought that the question should be at once disposed of. Last year the hon. and learned Gentleman had had two Bills of a similar character to the present before the House, but had ultimately withdrawn them. The hon. Gentleman whose name was second on the Bill (Mr. Duffy) was in the House a short time before; and he (Sir J. Young) wanted to know whether there was any serious intention on the part of the promoters of the measure to proceed with it? On the part of the public he was prepared to give it his decided opposition. The measure purported to repeal six Acts of Parliament relating to the fisheries of Ireland, and to substitute for them a great many old and nearly obsolete Acts, beginning at the reign of Henry VII.

Mr. NAPIER said, that this measure was an example of the too great facility that was given to introducing Bills into Parliament. He believed that this Bill originated from the circumstance of certain parties having discovered a particular mode of catching fish, and being desirous of getting repealed all those laws that interfered with them. Although the law in relation to the Irish Fisheries was not in a very satisfactory state, and might be advantageously in many respects altered, he yet thought that the proposed Bill would do considerable injury to the country.

Motion *agreed to.*

Second reading *put off* till this day six months.

The House adjourned at a quarter after Three o'clock.

HOUSE OF LORDS,

Thursday, March 16, 1854.

Minutes.] Public Bills.—1^a Benefices Augmentation; Marine Mutiny; Exchequer Bills (£1,750,000).

2^a Coasting Trade; Highways (South Wales); Mutiny; Commons Inclosure.

3^a Consolidated Fund (£8,000,000).

CRIMINAL PROSECUTIONS—PETITIONS.

Lord BROUGHAM *presented* petitions from the magistrates of Carlisle and of the county of Cumberland, and from John Fawcett, Esq., a magistrate, of great experience in the administration of the criminal law in that county, praying for alteration in the mode and time of taking pleas of prisoners charged with larceny. The petioners pointed out that, according to the latest returns of the whole number of prisoners brought to trial at each assize in that county, between one-third and one-fourth immediately pleaded guilty on being placed at the bar, and that these, nevertheless, caused just as much expense to the county as those prisoners who pleaded not guilty, and stood their trials, inasmuch as the whole cost of getting up the prosecution had to be incurred to precisely the same extent; and suggested as a remedy that courts of petty sessions should be empowered to receive pleas of guilty, after which prisoners so pleading might be brought up for judgment at the assizes without any further proceedings. The noble and learned Lord said he had been desired by the petitioners to introduce a Bill into their Lordships' House on the subject, but he had declined, thinking that, probably, the noble and learned Lord on the woolsack would be prepared to undertake the subject; and, if not, that as it would be one greatly affecting the county magistracy, a Bill would be more fittingly introduced by a private Member in the other House, which was composed in a great measure of country gentlemen engaged in the administration of justice.

The LORD CHANCELLOR said, he must decline to undertake to bring in a Bill upon this subject, because the matter was one of the very greatest importance, with which it would not become any Government to deal without full and careful consideration. It seemed at the first blush very reasonable that, when a prisoner was brought before a magistrate, he should be allowed, in order to save expense, to plead guilty once for all; but was there not some danger that a prisoner might occasionally be induced to plead guilty, with the fear of the magistrate before his eyes, when in reality he might not be guilty of the exact crime which was laid to his charge? At the same time the subject was one which deserved consideration; and he could assure his noble and learned Friend that, although doubts had been thrown upon the expediency or the feasibility of carrying into effect the recommendations of the Commission upon the codification of the criminal law, he did not think the same difficulties were likely to apply to the code of procedure which the Commissioners had suggested. The subject of these petitions belonged to the latter branch of the question, and no doubt had engaged the attention of the Commissioners, though he was not able at that moment to say that it actually formed part of their Report.

LORD BROUGHAM asked the noble and learned Lord if he had any objection to lay on the table of the House a copy of the letter which he had lately received from two of the learned persons engaged in the project of codification of the criminal law, commenting on the answers lately received from the Judges with reference to that project?

THE LORD CHANCELLOR said, it was not his intention to lay upon the table a copy of the letter which he had received from Mr. Graves and Mr. Lonsdale, the assessors to the Commissioners upon Criminal Law Consolidation, with reference to the opinions of the Judges upon that measure. The letter was a private one, and though it was written with great ability, and in a perfectly respectful manner, yet he did not think it would be quite consistent with his duty to lay before their Lordships a sort of running commentary upon all the Judges had stated, in their character as Judges, for the guidance of the House. What he proposed to do was, to refer the opinions delivered to their Lordships by the Judges to the Select Committee upon the Bill, and then to have Messrs. Graves and Lonsdale examined as witnesses before the Committee, and they would then have an opportunity of making whatever explanation they had to offer with regard to the objections urged by the Judges.

COASTING TRADE BILL.

Order of the Day for Second Reading read.

LORD STANLEY OF ALDERLEY, on moving the second reading of the Coasting Trade Bill, said, that the measure was brought under the consideration of their Lordships in consequence of the recommendations contained in Her Majesty's Speech delivered at the commencement of this Session, with reference to the removal of all remaining restrictions upon our navigation. He was happy to be enabled to inform their Lordships that the measure which had been passed in 1849 for the repealing of the Navigation Laws had not been attended with those evil results which had been anticipated by some of their Lordships on the other side of the House; and, as a proof of this, he might mention that since that year (1849) the increase in the tonnage possessed by this country had been 700,000 tons, and that there had also been an increase in the number of sailors employed in navigating those vessels, to the amount of at least 20,000. If there was any portion of the shipping interest which had not shared in the general prosperity, it was the coasting trade, and that was the only branch not affected by the alterations which had taken place in 1849, and so far from having increased it had remained stationary, if, indeed, it had not retrograded. He was aware that this might be attributed, in some degree, to the increased competition of railways and steamboats, which had diminished the number of sailors and reduced the number of vessels employed in the coasting trade; but he was convinced that other causes, in addition to those just mentioned, had operated to produce so undesirable a result. When the Bill of 1849 was introduced to their Lordships, by his noble Friend the President of the Council, it was stated that the principal reason why Parliament was not asked to deal with the coasting trade was, that apprehensions were entertained in many quarters that, in all likelihood, great injury would result to the revenue from the introduction of foreign vessels, who would have great facilities in evading our revenue laws. Since 1849 that question had been fully considered, and he was happy to say that all the authorities were now unanimously of opinion that the revenue would sustain no loss by the introduction of foreign shipping into the coasting trade of this country. It was considered, in truth, that the English sailor was much more likely to evade the vigilance of the Custom-house officers than the foreign seaman, who, ignorant of the language of the country, and without connections in our ports, would find almost insuperable obstacles in the way of any attempt upon his part to defraud the revenue. At the same time it was necessary that the foreigners who entered into the coasting trade should be subject to all the regulations which at present affected English vessels, and he hoped the Bill would be considered to have provided satisfactorily in that respect. But if it was desirable upon general grounds to make the proposed alteration in the law, what had taken place within the last year afforded additional reasons for adopting that course. Their Lordships were doubtless aware that during the past twelve months the whole trade of the country had been greatly inconvenienced and injured by a positive want of shipping to carry on the ordinary traffic, and that in consequence freights had risen upwards of fifty per cent. In this metropolis the consumers of coals had a large additional burden thrown upon them, and considerable loss was experienced by manufacturers and producers throughout the country. Numerous memorials and petitions had been presented to the Government complaining of the inconvenience and injury arising from the want of shipping in the coasting trade, even at a greatly enhanced rate of freight, and of large quantities of produce being detained in the northern ports at a time when foreign vessels were leaving in ballast, not being available to supply the deficiency in consequence of our restrictive enactments. He could mention to their Lordships an instance of the particular kind of hardship which arose from these circumstances. Last year a large house in Newcastle, engaged in the manufacture of alkalies, wrote to the Government that, in consequence of the want of shipping for the purpose of bringing the raw materials from different parts of the country, they might probably be obliged to close their works, although at that time there were several Norwegian and other foreign vessels in the Tyne, which, but for the existing law, might have been employed in the coasting trade. Some of these vessels had brought timber to the port of Dublin, and might have conveyed from that port some of the raw material which was required at Newcastle. Instead of being allowed to do so, they were compelled to take in ballast, which, on their arrival at Newcastle they discharged into the Tyne, to the infinite injury of the navigation; and the corporation then, at great expense, had to have it dredged up and conveyed away elsewhere. Again, the crop of potatoes in the north of Scotland last year was very plentiful, whereas in the south of England it was almost a failure. The result was that potatoes in the London market were scarce and dear, and a supply could not be got from Scotland, owing to the want of shipping, though the ports were full of Russian and Norwegian vessels, which had brought cargoes of hemp, tallow, and battens for the herring trade. Many similar cases had occurred; but he hoped that those he had mentioned would be sufficient to induce their Lordships to consent to the proposed relaxation of the law, which had hitherto prevented the introduction of foreigners into the coasting trade of this country. But although it was admitted that, as regarded the question of cheapness, the relaxation of the law might be advantageous, it was contended that there were much higher interests at stake, and that by throwing open the trade they destroyed what was the great nursery of seamen for this country, and would be cutting off the sinews of war by destroying the trade in which were reared their best and hardiest seamen. If that argument was found insufficient in 1849, with regard to the foreign trade, he was sure they need entertain little apprehension that it would be more cogent now. They would have little to fear from the competition of foreigners in our own seas, from their superiority in the navigation of their ships, their intimate knowledge of the ports and the coasts, and their connection with the inhabitants of the different ports they frequented, and, under all the circumstances, he did not think that they had reason to apprehend any great influx of foreigners. There were numerous vessels from the Baltic and other foreign ports, which at present were obliged to sail in ballast instead of conveying away from one British port to another cargoes that were only waiting for transport from want of the necessary shipping. If, then, by any artificial means, they kept up the price of the coasting trade, and thereby promoted the competition of railways, which were the only real rivals they had to apprehend, they would only encourage the combination of shipowners and sailors, maintain those high prices, and eventually destroy the very trade they proposed to protect. The best means, in his opinion, of preventing the trade being thrown into the hands of the railways—for if the trade once forsook the sea and was conveyed by land it would be difficult to bring it back—would be by throwing open the trade, as had been done with one portion of their shipping trade already, to its great advantage as well as to the benefit of the country at large. With respect to the question of reciprocity, he thought it would be a narrow and foolish course of policy to make our commerce in any way depend upon the fears or inexperience of other nations; we should go on fearlessly and independently in our course of improvement, and show our confidence in the principles we advocate by the sincerity and energy with which we enforce them. He must admit, indeed, that we had not met with as much encouragement from abroad as we had a right to expect. ["Hear, hear!"] He hoped their Lordships, however, would remember that we had not learnt the lesson of free trade long ourselves. But the conduct of other nations had not been so discouraging as some seemed to imagine. America had given us at once complete reciprocity, so far as her laws enabled her to do so, and the exception of the Californian trade was the result of what was considered to be a grave constitutional objection, which he hoped would be removed by the Bill now before their Lordships. If England was prepared to admit Americans into her coasting trade, he trusted that the United States, upon their part, would throw open the Californian trade, which they now regarded as a portion of their coasting trade, to British enterprise and industry. Holland, again, had met us in a fair and honourable spirit. Our shipping was admitted to the Dutch ports upon the most favourable terms; and he was happy to state that a communication had already been received by his noble Friend the Foreign Secretary, to the effect that the Dutch Government were disposed, even with respect to the coasting trade, to give us the same advantage which we extended to them. At the same time he might mention that a retaliatory clause had been inserted in the Bill which would enable the Queen in Council to close the coasting trade against any nation which might deserve to be excluded from it; but he trusted that power would never be exercised. He moved the second reading of this Bill, therefore, upon several grounds—first, because it would confer a great benefit upon all classes in the community; secondly, because it would tend to foster rather than injure our nursery of seamen; and, thirdly, because it would produce an extension of trade and commerce, and by that means promote the prosperity and well-being, not only of the shipping interest, but of every branch of industry in the kingdom.

Moved—That the Bill be now read 2ª.

Lord COLCHESTER said, it was not his intention to offer any Amendment to the Motion of the noble Lord, but he could not allow this Bill to be read the second time without addressing a few observations to their Lordships. It had been said that the predictions of those who opposed the repeal of the Navigation Laws had entirely failed, and that our foreign trade, instead of being diminished, had actually increased. He cheerfully admitted that our foreign trade had increased; but that increase was not greater than what took place in a similar period under the old law, and it had arisen almost entirely, if not altogether, from causes which were not foreseen in 1849—the discoveries of gold in California and Australia, which had created such an immense demand for shipping to those countries. With respect to our nursery of seamen, he was afraid that all the ill that could be done upon that point was effected last year in the Bill allowing the manning of British vessels by foreigners—a measure which, in his opinion, left nothing British about our ships except the ownership. He was quite satisfied with the retaliatory clause, and for his own part he saw no reason why the agriculturists and other producers of this country should not take advantage of a foreign vessel for the purpose of conveying their produce from one port to another. When there was not a sufficient number of British vessels at hand and the foreign ones were riding idly at anchor, he thought it was not only foolish, but illiberal, not to make use of the means that were placed within our reach.

Earl WALDEGRAVE was understood to oppose the Bill, chiefly upon the ground that it would make foreigners dangerously familiar with our coasts.

The Earl of DERBY said, that when the Navigation Laws were repealed in 1849, it was stated that, in consequence of the then existing state of treaties with the United States, no separate Act would be necessary upon their part to open up their coasting trade to British vessels. Our coasting trade was not included in the measure of 1849, and of course the coasting trade of the United States, embracing the trade between California and New

York, was not opened to the ships of this country. What he wanted to know was, whether, under the existing law of the United States, it will be necessary for Congress to pass a separate Act opening the coasting trade, including the trade between New York and California, to British vessels, now that we are about to introduce American ships into our coasting trade?

LORD STANLEY OF ALDERLEY said, that we had now removed the constitutional objection which had been felt in the United States to our introduction into the Californian trade. There was no law, he feared, which, after the passing of this Bill, would admit us to the American coasting trade, and a new Act would, therefore, be required for that purpose.

THE EARL OF DERBY said, he understood the constitutional objection to have been, that they could not put the trade between New York and California on the same footing as the trade between New York and Boston, and that, therefore, there could be no relaxation, in that sense, of the United States' coasting trade in favour of England. He thought that, in equity, we had a strong claim, in the noble Earl's view of the case, to obtain a right to the whole coasting trade of the United States, including the trade to California.

LORD STANLEY OF ALDERLEY said, he entirely concurred with the last observation of the noble Earl.

EARL GREY said, this Bill supplied what, at the time, he thought a great defect in the measure of 1849—a defect, moreover, to which nothing reconciled him except the certainty that, if an attempt had been made to rectify it, the measure would have been lost altogether. He was glad to find that the result of the great experiment which their Lordships were induced to sanction in 1849 had been such that this Bill, which was one intended to remove the last remaining restriction upon commercial intercourse, was received with the general acquiescence of the House, only one dissentient voice being raised against it. With respect to the retaliatory clauses of the Bill, he trusted, as had been the case with those of the Bill of 1849, that they would prove a dead letter. Indeed, upon the whole matter of reciprocity he earnestly hoped the Government would abstain from pressing it upon foreign Powers. The more experience he had of commercial negotiations the more he was convinced that the less diplomacy interfered with the matter the better. We waited on for some thirty years after the peace, negotiating with every foreign nation in the hope of obtaining a mutual relaxation of commercial restrictions. An immense deal of ingenuity and labour was bestowed by successive Secretaries of State and Ambassadors in trying to effect that object; but as long as we pursued that policy, instead of making any advance towards a better system, the restrictions upon the trade of the world were progressively getting worse and worse. It was very natural that it should be so; for as long as the opinion prevailed that in abolishing restrictions a nation benefited, not itself, but other countries, no real progress towards a system of free trade could be made. Ten or a dozen years ago, however, this country adopted the sensible principle of deciding what should be its own commercial regulations, quite irrespective of what foreign countries might do. The result was precisely what might have been expected. Foreign countries did not follow our example, believing our commercial prosperity to have been the result of what was called protection; and they could not understand that we had not some sinister object in view in adopting a different policy. But since they had seen the great impulse that had been given to our prosperity by the relaxation of those absurd restrictions on our trade with foreign countries which formerly characterised our policy, they were gradually, one after another, following our example, and admitting the absurdity of their own system. If we only fairly and energetically carried out our system in this respect, and abstained from soliciting foreign countries to follow a similar one—if, he said, we only adopted that high-minded policy—he was quite persuaded that not many years would elapse before every country in the world, even the most benighted, such as Spain, would be compelled by force of circumstances to imitate our example, and to relax those absurd restrictions to which they still had recourse. He trusted he might be excused for having offered these few observations on the subject before the House; but having taken so great an interest in the measure of 1849, he could not allow this Bill, which he thought was a necessary consequence of that measure, to pass without availing himself of the opportunity of making the remarks which he had addressed to their Lordships.

LORD BROUGHAM said, he perfectly agreed with his noble Friend who had last addressed their Lordships, that this Bill was an almost necessary consequence of the measure of 1849; but he wished to state that the opposition which a considerable part of the body of free traders, and himself among the rest, offered to the Bill of 1849 was in accordance and in perfect consistency with the doctrines held by the most venerable authority on the subject of free trade. The body to whom he referred did not go so far as the great apostle of free trade, Dr. Adam Smith; and he (Lord Brougham) took leave most respectfully to express dissent from one of his doctrines, holding that he went too far in the exception he took to the principles of free trade in a particular respect. Adam Smith's doctrine was that he had no manner of doubt of the soundness of the principles of free trade as applied to the wealth of a country—with which doctrine he (Lord Brougham) heartily concurred—yet that there were interests of more importance to a nation, and that was the defence of a nation; and that the principle of free trade ought not to obtain when it was inconsistent with the measures necessary for public security. Differing most respectfully from that great authority in the length to which he carried that exception, he (Lord Brougham) still thought that in 1849, with such means for securing the maritime strength of the country as we then had, it was perilous to tamper with a system on whose behalf so much could be said. Where things were well, to leave them well was his doctrine; not to apply change, whether under the name of innovation, or under the name of reform or improvement, where all was so well that we could hardly fancy any complaint could be found with our position. When things were ill, where there were defects, abuses, or grievances, then let them apply the reforming knife, either to prune or to eradicate; but when things were well, especially in so important a matter as that which touched the defence of a country, it was, upon the whole, better to leave well alone. Having come to the resolution they did in 1849, he thought this Bill was a necessary consequence, and he therefore cordially supported the Motion for its second reading.

On Question, *agreed to:* Bill read 2ª accordingly.

House adjourned till to-morrow.

HOUSE OF COMMONS,

Thursday, March 16, 1854.

MINUTES.] PUBLIC BILLS.—1° Judgment Execution, &c.

COUNTY RATE EXPENDITURE—QUESTION.

MR. MILNER GIBSON: Sir, during the last Session of Parliament there was a Bill before the House known under the title of the County Rates and Expenditure Bill. With reference to that measure, the noble Lord the Secretary of State for the Home Department made the following remarks on the 13th July, 1853. He stated that—

> "That House, having frequently considered the principle of representation with reference to the administration of county affairs, and that House having repeatedly admitted that principle, he (Lord Palmerston), if the right hon. Gentleman should drop the Bill, was prepared to say that, in the beginning of the next Session, Her Majesty's Government would propose to Parliament such a measure as they might think fit to recommend, founded on the principles of popular representation as regarded the administration of the affairs of counties."—[3 *Hansard*, cxxix. 147.]

The question I have to put to the noble Lord is this—when will the Bill for giving this representative control to the ratepayers be introduced to the House?

VISCOUNT PALMERSTON: I hope to introduce the Bill soon after Easter.

MR. TATTON EGERTON said, he wished to know, if in that Bill the noble Lord would include a clause repealing the powers invested in the lords lieutenant of counties, of charging what they thought fit for the erection of buildings as depôts for arms for militia stores?

VISCOUNT PALMERSTON: That question has no reference to the Bill Iintend to introduce.

THE APPOINTMENT OF MR. STONOR.

MR. FREDERICK PEEL: I wish, Sir, to refer to the conversation which took place a night or two ago on the subject of the appointment of Mr. Stonor to a judgeship in the colony of Victoria, and to state briefly that, in consequence of a Report of an Election Committee of this House, and the statement of the Chairman of that Committee that he considered that Report sustained by the evidence taken before him, the Duke of Newcastle has thought right to decide not to recommend the confirmation of the appointment of Mr. Stonor to that judgeship. There is one point, however, in connection with this case which I wish to notice. The hon. Member for Mayo (Mr. G. H. Moore), in introducing the subject, made some observations upon there having been no *Gazette* notification in this case, and imputed that the usual course had been departed from to prevent the knowledge of the appointment transpiring. I was unable, at the moment, to explain that circumstance; but I have since ascertained that local appointments must originate with the local Government, and be sent home to this Government for confirmation. There is no warrant, only a despatch, and, therefore, nothing which could have been mentioned in the *Gazette.* One other circumstance I also wish to mention—that up to within the last week neither myself nor the Duke of Newcastle were aware of the circumstances which have now been made known relative to Mr. Stonor. But, at the same time, it is only just to that gentleman to say, that was not his fault, and the Duke of Newcastle is desirous of exonerating him from being supposed to be the cause of that ignorance on our part. It appears that when he addressed to the Colonial Office an official letter of application for the appointment, he at the same time sent to the office a packet of testimonials which contained the printed paper I now hold in my hand, being his statement of the circumstances referred to in the Report of the Sligo Election Committee of 1853. The packet itself passed unexamined by the Duke of Newcastle and myself, and this explains why that printed statement did not receive notice at the time. If it had done so, no doubt we should then have known it in sufficient time to prevent this appointment being made.

WATER SUPPLY TO THE METROPOLIS—QUESTION.

LORD SEYMOUR said, he wished to ask his noble Friend the Home Secretary a question relative to the water supply of the metropolis. His noble Friend was aware that, under the Acts passed two Sessions ago, before the new works of the various water companies were opened, they were to be inspected by engineers appointed by the Government. He wished to know whether his noble Friend would direct a letter to be sent to the water companies, calling upon them to report in what state their new works now were, in order that the House might be made aware what probability there was of their being completed by the time the Act came into operation?

VISCOUNT PALMERSTON said, the inquiry suggested by his noble Friend appeared to him to be a very proper one, and he would take care it should be made.

MR. BRIGHT said, he was not sure the noble Lord did not think he had given a sufficient answer to the question of which he gave him notice the other evening. What he wanted to know on behalf of persons who brought Bills into that House for establishing new water companies was this, whether it might be understood, once for all, that Bills rejected, like the Wandle Drainage and Water Bill, this year, if presented next Session, would be judged upon their merits, without any plea of an understanding come to by a former Government with the existing water companies. He understood the noble Lord to have said that the term of that understanding would expire this year. If that were so, he wished it to be known to the persons who promoted these Bills, because they were put in great difficulty so long as the matter was uncertain and ill defined.

VISCOUNT PALMERSTON said, the Acts passed two years ago were of this description. They provided that, after a certain period in the years 1855 and 1856, none of these companies should be allowed to supply the metropolis with water taken from the Thames below Teddington. It was a prohibitory clause, and the companies undertook to make arrangements for bringing water from the Thames above Teddington. Of course, while these works were in operation, it would be unjust to subject them to additional competition. When these works were completed, it would be for Parliament to determine whether the water supplied from the Thames above Teddington by these companies was satisfactory and sufficient. If, on the other hand, it should appear that those supplies were unsatisfactory in quality, and insufficient in amount, then of course Parliament would admit of competition to make up that deficiency. If, on the other hand, they should find that the supplies by these companies, after their works were completed, were sufficient in quantity, and satisfactory in quality, then it would be for Parliament to consider if there were any reasons for fresh competition.

MR. BRIGHT said, he understood, then, that after the period expired the House would give these Bills a second reading, and judge of them by their merits and the demerits of the existing companies.

VISCOUNT PALMERSTON said, it was impossible to say what would be done at some future time. He held that, until these existing companies had completed those works they undertook to complete, and furnished the supply which they undertook to furnish, there was a fair understanding which precluded that House from reading any rival Bill a second time, or giving countenance to any further schemes.

LAW OF MORTMAIN.

MR. HEADLAM, in moving for leave to introduce a Bill to amend the Law of Mortmain, said, he rose for the purpose of submitting to the House a measure of considerable importance. He was about to ask the House to consider the whole law affecting the disposition of property for charitable and religious purposes—laws under which it was right to state in the first instance many institutions in this country had been established, in which they took great pride, and which were founded by the munificence of their ancestors, and laws, which, on the other hand, it was equally right to say by which great injustice had been done, a great amount of litigation had been caused, and a great amount of property had been taken from those who had a moral claim to its possession, and applied to purposes of questionable utility. He was going to ask the House to repeal the existing law on this subject, and enact, in its place, provisions more suitable to present circumstances, more effectual for the prevention of the particular abuses against which the law was originally intended to operate, but at the same time much less obstructive and inconvenient in cases of well-considered charitable bequests. He wished in the outset to state that his was as much an enabling as a restraining statute, for, while the existing law had in many instances failed to meet the purposes for which it was intended, it gave rise to evils of a magnitude which could be scarcely exaggerated. He was aware that some apology was due from himself, as an independent Member, for venturing to bring forward a measure on so extensive a subject, but the House would recollect that in the course of the last Parliament a Select Committee on the whole matter was appointed, of which he had the honour to be Chairman, and which, after an investigation that lasted two Sessions, made a Report to the House; and that, at the time he moved for the Committee, he pledged himself to bring forward a measure. Having considered that the best mode of procuring practical legislation on the subject would be to urge it on the attention of the Government, he applied to two successive Administrations, and it was not until he received an intimation that the Government did not intend to introduce a measure on the subject that, in the fulfilment of the pledge he had given, he thought it necessary to come forward with the present measure. The first law on the subject of mortmain contained in the Statute-book was to be found in Magna Charta, although the history of the Mortmain Law went back further even than that. It was rarely they had to refer to so ancient a Statute, but he would read the provision on the subject:—

> "It shall not be lawful from henceforth to any to give his lands to any religious house, and to take the same land again to hold of the same house. Nor shall it be lawful to any houses of religion to take the lands of any, and to leave the same to him of whom they received it. If any from henceforth give his lands to any religious house, and thereupon be convict, the gift shall be utterly void, and the land shall accrue to the lord of the fee."

That was not really the commencement of the law on the subject, for by the principles of the common law it was prohibited to give lands to religious houses; the Statute of Magna Charta was one of a series of Statutes, enacted for the purpose of preventing an evasion from time to time of the provisions of the common law, and he could not better explain the general nature of those Statutes than by reading an extract from *Blackstone's Commentaries* on the subject:—

> "In deducing the history of which Statutes it will be matter of curiosity to observe the great address and subtle contrivance of the ecclesiastics in eluding from time to time the laws in being, or the zeal with which successive Parliaments have pursued them through all their finesses; how new remedies were still the parents of new evasions; till the Legislature at last, though with difficulty, hath obtained a decisive victory."

It was perfectly true that new remedies were still the parents of new evasions, but he differed from Blackstone when he said the Legislature had obtained a decisive victory. It was singular that almost all the curious technicalities which existed in the law seemed to originate from these sources; for, when land was prohibited to be given to charities, long terms, such as terms for 1,000 years, were invented by way of evading the Statute. The 7th of Edward I. was enacted to meet this evasion. Then they had heard, probably, of what were termed fines and recoveries, which were proceedings technically existing in the law till within the last twenty years. They were also used for the purpose of evading the law of mortmain, and the 13th of Edward I. was enacted to prevent that mode of evasion. Then there were uses and trusts which were applied to modern conveyancing, but which were introduced also for the purposes of evasion, and the 15th of Richard II. was passed to put a stop to that mode of evasion. In the time of Henry VIII. a great proportion of the land was devoted to purposes of this description, and it was not the force of law, but the tenacious grasp of that Monarch, which took this property from the purposes to which it was applied, and devoted it to purposes which were perhaps more useful. The general result of all these Acts was that no land could be given to a corporation, and held by that corporation, unless there was a licence from the Crown, or a provision contained in the Act of Parliament under which the corporation was established. He did not wish in any way to interfere with that provision, but there was one evil arising from it, that trading corporations in modern times had doubts whether they could advance money on real security—on mortgage, for instance, or railway debentures. But, assuming that they could do so, and that they availed themselves of the security, to foreclose the land, and become absolute possessors of it, they then subjected themselves to danger of forfeiture to the Crown. And they had evidence before them in the Committee of cases of this kind. He proposed in reference to this part of the subject that these corporations should be at liberty to avail themselves of these securities, subject only to a provision that they should sell the property in five years after they became entitled to it, because there were serious objections to large quantities of land becoming the property of these corporations. He might mention that the history of the law of mortmain, so far from being, as some might imagine, a dry and uninteresting one, was one really full of information, replete with instruction with regard to things of which men in the history of this country were earnestly striving for conquest. They found this exemplified in the cases that came before the courts of law, in the tendency at different periods of public opinion on the subject, and in the manner in which the judges, from time to time, gave their decisions in reference to this question as cases came before them. The first of these periods was that which occurred before the time of the Reformation, from the time of Magna Charta to the time of Elizabeth. The second period, during which a totally different policy prevailed, was from the time of the Reformation to the 9th George II., when enactments were passed on the subject which were now existing. The third period was from the 9th George II. to the present time. He had stated the law during the first period. During the second period a totally different policy seemed to have prevailed in the Legislature, and also in society. There were two Statutes which enabled persons to evade completely the series of statutes to which he had called the attention of the House. One of those statutes was termed the Statute of Uses, and the other was an enactment which enabled a man to devise his lands for charitable purposes. And not only were there no checks or restraints upon this practice by the principles of the courts of law, but a contrary principle prevailed, and, by a statute enacted at the beginning of the reign of Elizabeth, great latitude and encouragement was given to devises of this description. At that time, also, it happened that the somewhat stern and cold rules of political economy were not known as well as at the present day. This continued till the reign of George II., when the evils had increased to a considerable extent. Before, however, he came to the third period, he should state that the courts of law, by their decisions, favoured gifts to charities; for instance, it sometimes happened that a particular individual had a power of appointment over funds; that was to say, he could dispose of funds provided he went through certain formalities. Well, the courts of equity held that if these formalities were not carried out that did not vitiate a gift to a charity, but it did with respect to an individual. A case came within his own knowledge in which a lady had a power of appointment, which she executed partly in favour of a charity and partly in favour of relations. The appointment was not duly executed, but the Court held that under the same instrument the charitable devise was good, but the devise to the individuals was bad. This decision was doubly hard, because, if there had been no execution of the power of appointment, these same relatives would have taken the property absolutely, so that if the Court had held the appointment absolutely good or absolutely bad they would, at all events, have taken a portion, but as it was they took nothing. He proposed that the same rule of construction should apply to the cases of charities as to the cases of individuals. He now came to the third period, which was the one with which they had practically to deal. In the commencement of the reign of George II. one of the greatest lawyers of this country, and one whose reputation, perhaps, stood highest in the Court of Chancery—he meant Lord Hardwicke—took this matter in hand, and under his auspices a Statute was passed, the preamble of which, as it fully explained the object of the measure, he would read. It was—

> "Whereas gifts or alienations of lands, tenements, or hereditaments in mortmain are prohibited or restrained by Magna Charta, and divers other wholesome laws, as prejudicial to and against the common utility; nevertheless this public mischief has of late greatly increased by many large and improvident alienations or dispositions made by languishing or dying persons, or by other persons, to uses called charitable uses, to take place after their deaths, to the disherison of their lawful heirs."

And very shortly after the passing of that statute a case came before his Lordship, in delivering judgment on which he took occasion to state in the clearest manner the object the Legislature had in view in passing that Act. In that judgment he said:—

> "The reason of the Statute was to hinder gifts by dying persons out of a pretended or mistaken notion of religion, as thinking it might be for the benefit of their souls to give their lands to charities which they paid no regard to in their lives; and therefore the Act of Parliament has not absolutely prohibited the disposition of land to charitable uses, but left it to be done by deed executed a year before the death of the grantor, enrolled within six months, though this will not render them equally unalienable; but the Legislature blended the two inconveniences together—the acts of dying persons and the disherison of heirs."

With respect to the policy of that Act he had nothing whatever to say; he believed it to be, perhaps, as wise a principle as any that could be discovered, and the Act which he was about to propose was based on that principle. The first great evil of this statute had been the enormous amount of litigation it had caused. By that Act, personal property was divided into two descriptions,—one, personal property having

Mr. Headlam

relation in any way to land—that was to say, money due upon mortgage, or railway debentures, or property in any way connected with real estate; the other description of personal property was that which had no connection with real estate. The law with regard to these two descriptions of personal property was totally different. For instance, they might give money lying at their bankers' without the slightest restriction, but they could not by will give money which was due upon mortgage. The courts of law held that the charity devise or the devise to individuals failed in proportion as the personal estate was one of these descriptions or the other. Boundless litigation had been thereby caused. The books were full of cases on the subject. [The hon. and learned Gentleman then read an extract from the evidence of Mr. Pemberton Leigh on the subject before the Committee corroborative of his statement.] The great hardship of this state of the law was, that if a charity legacy was given they must have a Chancery suit to administer the estate, and the expenses of that suit had to be paid not out of the charity legacy, but out of the residue of the estate of the testator, that portion which he had devoted to his own family, so that they had to pay not only the charity legacy, but the expenses of the suit in addition. This was an evil, and he hoped the House would assist him to redress it. The Committee to which he had alluded were unanimous in the conclusion that, whatever might be the law on this subject, there should be one law and one rule with respect to all descriptions of personal property. In this measure that principle was introduced. He would, however, state with regard to real estate what were the provisions now in force, and what were those which he proposed. The House, he thought, would agree with him that there was a considerable distinction between the gift of a piece of land for the purpose of a site of a building, for instance of a church or chapel, or a school, and the gift of a farm or estate for the purpose of that farm or estate being made a source of revenue to a charitable foundation. The gift of a site, he thought, was praiseworthy, but the gift of a piece of land for a permanent endowment, he thought, they should look upon with suspicion. The Legislature had acted on this principle, for there were several Acts of Parliament giving facilities for granting sites. There was a law which stated they should not grant land at all, except under certain restraints; and then they had a Statute that they might give land without restraint for schools. But he did not wish to confine the exceptions merely to schools. He should propose an exemption in favour of sites for all places of worship belonging to any sect or community; also sites of schools, libraries, museums, and all buildings of that description in the possession of public bodies devoted to literature, science, and the fine arts. He proposed that there should be no restriction of gifts of sites for these purposes, except that notice should be given to the Charity Commissioners, and also that there should be registration, in order that the matter might be formal. The next exemption he would make was with regard to *bonâ fide* purchases of land. The evils that had arisen in respect of that were of a very serious nature, but the House would see that when land was *bonâ fide* sold, when the owner received the full value for it, there was no reason why there should be a difficulty in the conveyance. He did not wish to give the slightest encouragement to the investment of money devoted to charity in land, but, supposing such an investment were made, there was no reason why it should be subject to this technical restraint. Mr. Bunting, who was a solicitor in large practice in this department, in his evidence before the Committee, was asked—

> "With regard to a *bonâ fide* sale, is there any reason why such a provision should be in existence?"

And he said—

> "Clearly there is no reason, and it works in practice exceedingly objectionably, particularly in the locality where I reside. It arises out of the peculiar tenure of land in the neighbourhood of Manchester. They are in the habit of reserving a rent-charge on land, and those rent-charges are inconsistent with the Act of George II."

Well, now, with regard to the general principle of giving land to permanent charitable foundations, the law as it was at present was of this nature—they could not give land by will to any charity whatever; they could only give it by a deed executed a year before the death of the persons giving it, and the deed must be enrolled within six months of its execution. He, for one, was not prepared to make any additional concession to render it easier to give land for permanent charitable foundations. He would ask the House to consider what an enormous power was exercised by a man who gave land for purposes of this description. In the case of the gift of land to individuals, the law imposed some restraint upon the degree of their control over it. The law did not allow a man to tie up an estate for ever; they did not allow him to accumulate it for more than twenty-one years, or to name an heir beyond a certain period. But that was not the rule with regard to a charity. There were hundreds of acres of land in this country, the produce of which was expended in obedience to the wishes—it may be the whims of caprice—of some individual who lived in the reign perhaps of Elizabeth. If the law enabled a man to say with regard to a particular acre of land to which he was entitled in this generation, that the produce of that particular acre should be applied in a certain way, so long as the sun and moon lasted—if they gave a power of that description, it was the duty of the Legislature to see that that power was not executed except in the most distinct and solemn form, and they should take care that it should not be executed at the moment of his death, in the hour of his weakness, when, judging from the past, it was quite possible he might be under some spiritual influence that had been exerted on his mind. He, therefore, trusted that the House would maintain this particular provision in the existing law upon the subject. He now came to personalty. As he had before stated, he thought it desirable that there should be one law applicable to all forms of personalty. There was, however, one exception which might be made, namely, specific gifts of books, pictures, and things of that kind, which he thought might be given to public institutions, such as the National Gallery, the British Museum, and establishments of that description. He now came to the question of what should be the general law with respect to all forms of personal estate, and, to use a Parliamentary phrase, he had three courses. He might forbid the giving of all personalty; and there were some Gentlemen on the Committee who advocated that view, but he thought that would be too stringent a provision. The second course would be to make the law the same as that which applied to the other descriptions of personal property, that was to say, that there should be no restraint whatever. He, for one, was not disposed to accede to that. He thought it was not desirable to introduce so grave a relaxation as that would be. What he proposed was a medium course between the two. He proposed that personal estate, of whatever nature, should be subjected to one law with respect to bequests, namely, that the will giving such estate must be executed three months before the death of the testator, and that within one month after its execution notice of the amount of any charitable gifts and of the purposes to which they are applied must be given to the Charity Commissioners. He did not propose, however, that the notice so given should be made public until after the testator's death; but he wished to have all such matters executed in as solemn and formal a manner as possible. It was not impossible that under this Bill some charitable bequests might fail, but it should be remembered that at present half the personal property in the kingdom could not be given for charitable purposes at all; and, therefore, he considered his proposal a fair compromise. The next matter to which he would allude was the necessity of some measure for curing the defects of titles, which had grown up under the present law. The House would be surprised to hear the extent to which these defective titles existed. Mr. Bunting, in his evidence, said:—

> "I think I could, in five minutes, from my own knowledge of the cases, enumerate property to the extent of 200,000*l.* and 300,000*l.*, the title to which is bad, except so far as it has been cured by Statute."

The source of these defects in the cases referred to by Mr. Bunting, was the local custom he had already mentioned; and about twenty years ago it had been found necessary to pass an Act of Parliament on the subject. He (Mr. Headlam) now proposed by a general enactment to make valid all existing titles except where proceedings had been taken to impeach them; and he trusted that no retrospective measures of this kind would ever be required in future. There was another object which he sought in this Bill to attain, and that was to prevent what were called secret trusts; namely, cases where property was given to individuals for trusts, the nature of which was not disclosed. A very strong opinion had been expressed by the Committee against trusts of this description, an opinion which was founded upon evidence equally strong; and, indeed, it was obvious that secret trusts must hold out great temptations to laxity and dishonesty, and give rise to continual heartburnings on the part of those who considered themselves deprived of property for purposes of which they were entirely ignorant. He should, therefore, propose to enact, that if any person accepted property upon any secret trust, and should omit to give notice to the Charitable Trusts Commissioners, he should be personally liable to refund all the rents and profits which he had applied to the purposes specified, and if no suit were instituted within a given time by the persons interested in the property, then the Attorney General should be at liberty to sue. He (Mr. Headlam) was quite willing to admit the impossibility of entirely preventing cases of this kind; but he thought the proposal he had made would materially check the practice, which was, perhaps, all the Legislature could hope to effect. Since the Act of George II., various exemptions from its operation were obtained by different parties; but he was strongly of opinion that there should be one general law based upon a sound principle, and that from such law no exemption should be allowed. In the reign of George II., a very earnest endeavour was made by the Universities to be excepted from the provisions of the Act, which was acceded to, and several other bodies had since obtained the same privilege. The Committee, however, had had the Vice Chancellor of Oxford before them, and that gentleman had stated his opinion that the University had not derived any material advantage by the concession. That statement appeared to be quite the fact, for there seemed to have been no gifts made to the University on account of its exemption from the Act. But although such exemptions were of such small practical value, their continuance did impart a certain degree of unfairness to the law; and he (Mr. Headlam) would provide against that by a clause to the effect that the exemptions which had been obtained from the operation of previous Acts should not be likewise admitted as exemptions from the provisions of this Bill, for having made general exemptions in the measure, he did not think it was advisable that any particular exemptions should be allowed. There was now only one other point remaining to be noticed. Dr. Wiseman had complained before the Committee of the operation of the Statute of Superstitious Uses. Now he (Mr. Headlam) did not think that there was any practical grievance in that Statute, inasmuch as the Act of the 2 & 3 William IV. placed the Roman Catholics on precisely the same footing as Protestant Dissenters. However, as the Statute of Edward VI. might possibly have practical operation notwithstanding the Relief Act—which he very much doubted—he should propose its formal repeal; such repeal, however, not to affect the legal definition of the word "charity," so that Roman Catholics, Dissenters, and members of the Church of England would then all stand upon precisely the same footing. He had now enumerated all the material provisions of the Bill he was proposing, and he had described the nature of the changes which he sought to introduce. When he first moved in this matter and asked the House to appoint a Select Committee on the subject, he stated that it was not his intention to make any difference between the different religious communities in this country; and he trusted that there was nothing in what he had said or proposed that could insult the feelings or even wound the prejudices of any religious body whatever. His Bill had been conceived in no illiberal spirit towards the charities of the country. We had many proofs of the greatness and wealth of this kingdom—many proofs of the power we exercised in the remotest parts of the world; but the proof that made the greatest impression of all upon his mind was the enormous sums that were annually contributed by individuals amongst us to charitable and religious purposes, and the zeal and energy that were displayed by so many persons in improving the condition of their fellow subjects, and in spreading the blessings of civilisation and religion to the farthest ends of the earth. He had no wish to freeze up the source of this munificence; for the alms which men gave in their lifetime—the rich from their superfluities, the men of moderate means from their necessities, and those in humbler circumstances from their poverty itself—conferred a benefit not only on the objects of their benevolence, but upon themselves. Of money so given the description of the poet was no less accurate than beautiful:—

"The quality of mercy is not strained;
It droppeth as the gentle dew from Heaven
Upon the place beneath: it is twice blessed,
It blesseth him that gives and him that takes."

But the same observation was scarcely accurate when applied to money given, not during the life of the donor, but at a time when it could hardly be called his own—given when he could exercise no self-denial in providing it, nor control its disposition. If anything, therefore, that he had said, or any provisions of the Bill he sought to introduce, should have the effect of changing charitable donations of this second class into those of the first, in inducing men to give in their lifetime rather than upon their deathbed, he, for his own part, should be completely satisfied with the result; and he should feel that his labour had not been in vain.

Mr. HADFIELD seconded the motion, and said the country had great reason to complain of the difficulties thrown in the way of promoting religious and charitable schemes. It could never have been the object of the Statute of Mortmain to place obstacles in the way of dispensaries, places of worship, or schools being erected. He could not help thinking that very serious mistakes had been made in the wording of that Act, and that it had been subjected frequently to the most erroneous constructions. It was a remarkable fact connected with the institution of Manchester of which its inhabitants had most reason to be proud—he meant the Manchester Infirmary—that for fifty years it was held upon a defective title; for it happened that the conveyance of the charity reserved some small rent to the grantor who had been the lord of the manor, and that reservation made the conveyance a bad one. Again, under the existing state of the law, copyhold property could not be passed for the purpose of charity, and the consequence of that was, that throughout a large district of the north of Lancashire, where scarcely any other species of property was to be heard of but copyhold, it was doubtful at this very day whether a school, or a dispensary, or even a literary institution, could be invested with property of a copyhold nature. An instance had occurred where a gentleman left as much as 60,000*l.* for the formation of two schools—one of them for the use of the blind; but he was debarred by the law from giving a single acre of land for the purpose, and the consequence was, the fulfilment of the objects of the charity was delayed for ten years, and then the schools were erected in a district removed from that in which the testator wished them to have been erected. He was quite sure that, whether the law was to be ameliorated through the exertions of the Government, or that of the hon. and learned Gentleman who had so ably propounded his scheme, the country would feel much indebted to whoever should prove the instrument of bringing about such an amendment.

The ATTORNEY GENERAL said, there was no objection whatever on the part of the Government to the introduction of the Bill. The subject was one of great importance, and he thought the time had come when the Law of Mortmain might well undergo revision. It was a subject to which his hon. and learned Friend (Mr. Headlam) had given great attention, and no person was more competent to deal with it. Without at all pledging the Government to the course they should take with regard to the Bill, when the opportunity for considering it should arrive, he would say that the subject introduced by his hon. and learned Friend was in every way worthy of consideration.

Mr. BOWYER must do justice to the fairness with which this Bill had been brought forward by the hon. and learned Gentleman; and he certainly wished that other measures affecting that portion of the community to which he belonged were brought forward in an equally fair and reasonable manner. He was quite sure that when measures were brought forward in that manner, the Catholics would be ready to discuss them in a candid way, and to place the merits of the case, so far as it affected them, before the House fully, fairly, and justly. It struck him that this Bill, and all matters like it, involved in reality an important principle. The real question was the power of disposal, and that was the question involved in all those measures. Those dispositions to charities were not the only dispositions they should guard from the effects of the law as it now stood. Let them suppose the case of a man with a large landed estate, and no children or relations at all. That man probably might have never done a charitable action or any public good in the course of his life; but when he was dying, and bethought himself of founding something useful, either religious or charitable, he could not do it—he was prevented. But suppose it was a man with a large family of children dependent upon him—that man had free liberty by law to will the whole of his property away to some worthless person, disinheriting his own children altogether. Therefore, the real question was whether a testator should be allowed to disinherit those for whom he was bound by nature and religion to provide? In other countries a person could not altogether disinherit his children, but must leave them a legitim legacy for their subsistence, and so it was according to the law of Scotland. As to the Roman Catholics, he could assure the House that they had no desire to be legislated for on any other principles but those which formed the basis of legislation with respect to the remainder of the country. But they said that they were now subject to exceptional laws, and the new legislation affecting them must be so framed as to prevent the action of those laws upon them in an unjust manner. He would reserve to himself the right to consider the means proposed by the hon. and learned Gentleman to deal with that subject, and whether they would really cure the defects arising from the old law. With regard to secret trusts, there would be no necessity on the part of the Roman Catholics for secret trusts if the present law were so altered as to place them and their charities and religious establishments on the same footing as those of the remainder of the country. He would reserve to himself the right to take hereafter what course he might think advisable.

Leave *given.*

Bill *ordered* to be brought in by Mr. Headlam and Mr. Hutt.

ENDOWED GRAMMAR SCHOOLS.

Mr. APSLEY PELLATT, in bringing forward the Motion of which he had given notice with respect to Endowed Grammar Schools, said, it was his conviction that if the funds which were now lying uselessly by in the hands of parties entrusted with them were devoted to educational objects, an Imperial or Government grant for the purpose would not be required. He might be told that the Charitable Trust Commission was amply sufficient to make the inquiry which he sought to have instituted; but from the number of subjects which he was informed they had before them, a considerable time must elapse before the matters which he desired to have revealed could be brought to light. It was now twenty years since an inquiry had been made into schools or charities; and unless they had a Commission specially appointed for the purpose, they would wait until a period when inquiry would be almost useless. Let them look to the case of Dulwich College, where an immense amount of revenue was available for educational purposes, and was intended for that purpose by the founder. The income was 9,000*l.* per annum; and, according to the intention of the founder, 5,617*l.* per annum of that sum should be devoted to the purposes of education; but this intention was not carried out. As another illustration, he might mention the case of the grammar school of Cheltenham, founded by Richard Tate. A Chancery suit instituted with reference to that charity had been stayed, and an arrangement had been made; and instead of sixteen pupils, the largest number there for some years, there were now no less than 300 pupils enjoying the benefits of education in the town of Cheltenham. It was now going on flourishingly, and presented a case where, from a rigid inquiry on the part of those who had to do with the subject, a great advantage had accrued to the public. A school ought to have been established to a similar extent in connection with the cathedral church of St. David's, in South Wales. The Rev. Mr. Davis, the schoolmaster, published a pamphlet to show that the funds had been taken away, and that a very small sum was left for the instruction of the children. He stated that in the reign of Henry VIII. a sum of 50*l.* a year—which in the present money was about 800*l.* a year—was given for the purpose of those schools, and all he received was 20*l.* a year and some other sums, amounting in the whole to under 50*l.* a year. It was also stated that if all the land belonging to the chapter were let at a fair value, it would produce 6,000*l.* a year; whereas, according to the Report of the Ecclesiastical Commissioners, the rental was under 1,500*l.* a year, and there was only a sum of 50*l.* a year voted for this school, for the purposes of education. He was quite willing to leave the matter in the hands of the Government if they would pledge themselves to undertake it.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, praying Her Majesty to appoint a Royal Commission of Inquiry into the state, average number of pupils, discipline, studies, and revenue, of Endowed Schools of England and Wales; also, of the endowments for scholars, their number and revenue; likewise of all bequests of libraries, and endowments for their support; the character, numbers, and condition of the books, the number of the librarians, and their salaries; with the view of increasing the educational and other advantages to the public in general."

LORD JOHN RUSSELL said, the subject brought before the House by the hon. Gentleman was certainly one of great importance, and he would not deny that some further measures might be necessary for the purpose of investigation and improvement. But the hon. Gentleman's Motion would lead, in the first place, to very great expense, and, in the next place, it might lead to inquiries which would cause some interference with the Charity Commissioners who were appointed last year. The inquiry proposed as to the libraries, and the kind and condition of books, would be very minute; and it was not quite obvious to what particular end that inquiry would be directed. Inquiries with respect to charities had been carried on for a great number of years, at a vast expense to the public; the Reports of the Commissioners filled many folio volumes, which were now in the library of the House. Last year the House had passed a measure by which they gave very considerable power to these Commissioners. There were other things still remaining to be done; and if the Commissioners appointed last year were not able to inquire into the endowed schools or grammar schools of the country, it might be necessary to extend their powers by a larger staff than they at present had, or it might be desirable, before adopting that plan, to have a Parliamentary Commission with respect to the endowed grammar schools of the country. But before taking any of these steps, it was desirable that the Government should seriously consider the matter, and should inquire of the Commissioners what was their opinion as to the means they had, not only of remedying gross abuses, but also of giving to the grammar schools the utmost efficiency of which they were capable. Before taking any of these steps, the Government wished to consider the matter, and they would then state to the House whether or not they thought any further steps necessary. He believed that the staff of the Commissioners was hardly adequate for their purpose, and that it might be proper to give them greater power. But these were all matters requiring a good deal of detail and examination. The Commission had but recently received its powers, under the Act of last Session; he was therefore not prepared to assent to the Motion, and should meet it by moving the previous Question.

MR. HUME said, that a vast number of the schools referred to were charity schools, and would come under the examination of the Charity Commissioners. To institute another inquiry would cause a clashing of authorities; he, therefore, hoped his hon. Friend would withdraw his Motion. The Commissioners had not yet had time to see their way, or ascertain what could be done. He gave the Government credit for sincerity in appointing that Commission. An idea prevailed that their inquiry would occupy some forty years, and that the present generation must be deprived of the benefit of it. But he hoped that they would report on the cases as they investigated them, so that a better appropriation of the funds might be made. Believing that the Government meant to follow up the appointment of the Commission by acts, he did not wish their responsibility to be interfered with.

MR. KERSHAW said, he rose simply to express his hope that the hon. Member for Southwark would adopt the suggestion of his hon. Friend the Member for Montrose.

MR. HENLEY said, he hoped that the observations which had fallen from the noble Lord (Lord J. Russell) would not give countenance to an impression that it was the intention of the Government to extend the objects of the Charity Commission to other purposes than those specified last year. He believed that every one wished to see real abuses corrected; but that was a very different matter to applying the funds of those schools in such a way as had never been contemplated by the donors.

SIR GEORGE GREY said, he had understood the noble Lord to state that it would be necessary to increase the powers of the Charitable Trust Commissioners by an augmentation of their staff. If the hon. Member for Southwark pressed his Motion, he should be prepared to show that the present Commissioners had power to conduct the first part of the inquiry now proposed. By the law, as it present stood, endowed schools were bound to send in, before such day as the Commissioners appointed, a full statement of their revenues; but it would be impossible, with so limited a staff, to undertake the whole inquiry.

Whereupon the *Previous Question* was proposed, "That the Question be now put."

Previous Question, and Motion, by leave, *withdrawn.*

The House adjourned at Seven o'clock.

HOUSE OF LORDS,

Friday, March 17, 1854.

MINUTES.] PUBLIC BILLS.—2ª Marine Mutiny; Exchequer Bills (£1,750,000).
Reported.—Coasting Trade.

THE ALLEGED BETRAYAL OF TRUST AT THE FOREIGN OFFICE.

THE EARL OF MALMESBURY: My Lords, it is with sincere regret that, in pursuance of the notice which I have given for this evening—[To call the Attention of the House to the Charge made by the First Lord of the Treasury against a Gentleman, formerly a Clerk in the Foreign Office, for a Violation of his Duty in disclosing some Secret Correspondence of that Department], I have again to revert to a subject which has already twice occupied your attention. But, my Lords, I think that, in the few words which I shall consider it my duty to address to you, I shall persuade you that I have no other course to pursue, and that the interests of justice and fair play, as well as what is due to my own feelings, oblige me once more to call your attention to the charge which has been made against a young gentleman formerly a clerk in the Foreign Office, but who has now left that department. My Lords, when the noble Earl at the head of the Government first attempted to convey an impression to this House—an impression which I have no doubt existed upon his own mind—that possibly the information which the *Times* newspaper had published had been gathered either from the indiscreet conversation of this young gentleman, or from correspondence improperly divulged by him, your Lordships must have felt at the time considerable doubt as to the correctness of that insinuation — for the noble Earl has denied that it was a charge—or of that imputation. My Lords, I myself felt convinced it was not true for two reasons. In the first place, I knew from experience how strong the *esprit de corps* exists among the gentlemen who fill the situation of clerks in the Foreign Office, and how notorious, how remarkable, how universally known it is that, as I believe, in not one instance upon record has any important secret been betrayed by any one of that honourable body of gentlemen. So remarkable is this fact, that I believe within a very short period Her Majesty's Government have been applied to by a foreign Government, who requested to be informed by what system the English Government ensured such secrecy in their Foreign Office. My Lords, my second reason for believing that the noble Earl was deceived or mistaken, was the character of the young gentleman to whom he had alluded; and I believe the noble Lord opposite, the Under Secretary of State for Foreign Affairs, would be ready, if asked, to bear testimony to the propriety of the conduct of that young gentleman whilst he filled the situation of clerk in the Foreign Office, and to the admirable and prudent manner in which he behaved himself in that department. My Lords, when, with these impressions on my mind, I addressed the noble Earl at the head of the Government the second time on Tuesday last on this subject, I trusted that the time which had elapsed since the charge had been first made by him, would have enabled him to ascertain that he was mistaken in the information he had received; but, my Lords, so far from having obtained what I had hoped I should find, an ample and immediate confession on the part of the noble Earl, that he had been so deceived and misinformed, the noble Earl reiterated his belief that this young gentleman had been guilty of great indiscretion, and although he did not repeat those harsh words, "scandalous betrayal of duty," which he had used upon the first occasion with regard to him, he did, in very plain language, reassert his belief that this young gentleman had been guilty of, at the least, very culpable indiscretion. My Lords, the noble Earl did more than that—he even challenged, in the speech which he made on Tuesday evening, this young gentleman to come forward and state that he was entirely innocent of the misconduct imputed to him. Permit me, my Lords, for fear I should be incorrect in what I state, to read a few words of the statement which the noble Earl made upon that occasion. The noble Earl said:—

"What I had heard was this, and what I repeat is, that that gentleman did talk of this correspondence, and of his knowledge of the contents of this correspondence, which has been communicated to the *Times*. I am so certain of this, and, though he certainly did not mention it to me, I have heard it from so many different quarters, that I am quite satisfied to refer it to the gentleman himself. If he says that he did not mention the existence of this correspondence and the nature of this correspondence, then I will confess that I have been more deceived than man ever was. But I refer it entirely to his own statement, and I am sure, because I have ascertained from quarters that I cannot possibly doubt, that it was mentioned with so little hesitation or concealment, that the gentleman himself will avow that he has referred to the correspondence in question. Now, I never stated that the *Times* newspaper received it from him; but, in the heat of the moment, and in reference to the insinuations of the noble Earl, I certainly did refer to a quarter from which it might possibly have come. What was stated in one society might very well be known in another; and, after all, the noble Earl (the Earl of Derby) stated last night that he was aware of the correspondence at the beginning of the Session. How did he learn it? Certainly not from me. But I may say that I think that it was an act of imprudence on the part of this gentleman to talk in the way he did about the contents of this correspondence, which he certainly had cognisance of confidentially; but, after all, I made no charge, and, I repeat, that I believe the gentleman himself will not deny what I have stated."

My Lords, as far as I am concerned, I say that the emphasis with which the noble Earl reiterated his assertion and challenged the young gentleman to refute it, did not in the least degree shake my confidence in him, for the reasons which I have already stated to your Lordships. But, of course, I felt it my duty, after the debate was over, in case the young gentleman should not have seen what had taken place, or should not himself think of answering the speech of the noble Earl, to inform him that such a debate had taken place, and to refer him to the newspapers of Wednesday morning for a report of what had occurred. My Lords, the result of my letter to the young gentleman was the receipt yesterday of the following reply to it from him; and, my Lords, it is with the greatest pleasure that I find myself enabled to produce the document which I am about to read to your Lordships. The letter of the young gentleman is as follows:—

"March 16, 1854.

"My Lord,—I was deeply concerned at seeing the charge that had been made against me in the House of Lords, on Monday night, by the Prime Minister, not only on my own account, but also because I saw your Lordship's name had been mentioned as the Minister who had given me my appointment in the Foreign Office.

"I hope that no one could for a moment suppose me to be unprincipled enough to make known any information I met with in despatches given me to copy; and, even did they entertain that opinion, the statement of the editor of the *Times* ought to clear me. In answer to Lord Aberdeen's charge against me, I beg to state that I have not the slightest recollection of having in any way, or at any time, divulged the secrets of the Foreign Office; and, therefore, I cannot in the least degree admit that I have scandalously betrayed my duty, in proof of which I must declare that, until I called at the Foreign Office to day, I had not the slightest idea of the nature of the papers I have been supposed to have divulged.

"I have the honour to be, my Lord,
"Your Lordship's humble servant,
"Hugh F. L. Astley.
"The right hon. the Earl of Malmesbury."

Such, my Lords, is the simple but positive denial of this young gentleman to the grave charge which has been made against him; and, after that denial, considering it comes from a young man of ancient family, the son of a baronet, and from one who hitherto has certainly borne a high character in the office which he held—considering, too, that the noble Earl, perhaps carried away by the heat of debate, forgot at the time the great disproportion of position between him and this young gentleman—I trust the noble Earl will frankly withdraw the charge which he has made, and express his regret for what has occurred. My Lords, the position of this young man at the present moment, and for several days past, has been a very cruel one. He is hardly, I believe, twenty-two years of age —he is just entering into the world—and he has been accused of an indiscreet, and, I may add, dishonourable action—by whom?—by the foremost person in this land next to the Throne. My Lords, consider what your own feelings would have been at his age had you been accused, by so high a personage, of such a fault. I think, my Lords, you will agree with me, and will have no doubt, as I have no doubt, that the noble Earl will at once rise in his place, and frankly confess that he has been misinformed in this matter, and that he regrets the pain which has been given to this young gentleman and his family.

THE EARL OF ABERDEEN: My Lords, when the noble Earl brought this matter before your Lordships on Tuesday last, I then declared I was perfectly willing to leave the issue of the question to the gentleman himself. My Lords, when I made that statement I had not the slightest belief that this gentleman would find it possible to deny the charge which had been made against him; but the letter which has been read by the noble Earl convinces me to the contrary, and I am bound at once not only to accept that denial, but at the same time to express my very sincere regret that I have been the means of casting any imputation upon the conduct or character of this gentleman. My Lords, I have only further to say, that I trust the House will believe, and that the noble Earl will believe, that I never would have made such a declaration without a moral conviction of the truth of what I stated. The letter, which I have now accepted at once and readily, whatever may be the proofs which I thought irrefragable, is to me quite sufficient, and therefore I do not enter into the reasons which induced me to make the statement; but I trust the House will believe that I would not unadvisedly have spoken, or, at least, without such a knowledge of the facts as was conclusive to my mind. I hope your Lordships will agree with me that it is not at all necessary to produce the proofs which were given to me; but if the noble Earl should entertain the slightest doubt of the satisfactory character of the grounds upon which I spoke, I am perfectly willing to put him in possession of all the facts which were communicated to me. My Lords, as this young gentleman, although no longer belonging to the Foreign Office, was once a member of that department, I will take this opportunity of referring to the Foreign Office and to the constitution of that department—for I think that no noble Lord in this House has the same right or the same means of speaking of that department as I have. My knowledge of that department, and my connection with it, commenced very many years ago. At different periods I have for several years been at the head of that department, and many of its members at the present moment were appointed by me. I have preserved a friendship with several of the persons composing that establishment, and I have never been backward in testifying my sincere regard for them, and my high opinion of their services. Indeed, my Lords, it is difficult for your Lordships to imagine the real merits which the members of that department possess. Their ability, their zeal, their industry, and their fidelity are all above praise. My Lords, I feel it my duty to express this opinion, formed from my long and intimate knowledge of the constitution of the Foreign Office and of the gentlemen who belong to it. I should consider it an act of great injustice if I were not to take this opportunity of expressing in the strongest terms this opinion; and further, my Lords, I will say that, whatever may be the reforms and improvements intended for the Civil Service, if every department of the State were constituted like the Foreign Office, I believe the warmest reformer would be damped in his ardour, and be content "to let well alone."

THE EARL OF DERBY: My Lords, the statement made by the gentleman whose letter has been just read, and the candid withdrawal which has been offered by the noble Earl of the imputation which could not but be supposed to be cast upon him by what fell from him upon a former occasion, must, I think, be as entirely satisfactory both to the feelings of that gentleman and to those of your Lordships as they are creditable to the noble Earl himself. I am sure that after what has taken place—after the offer of the noble Earl to communicate to my noble Friend the erroneous information, as it has turned out to be, upon which he was led to form so strong an opinion upon the subject—my noble Friend can do nothing less or nothing more than frankly to accept that offer of the noble Earl; and I confess it would be satisfactory now to know from what quarter information of the character of that which was given to the noble Earl—information which, as we have seen, led to a charge entirely without foundation—could have proceeded. My Lords, I believe that the panegyric which the noble Earl has just passed upon the Foreign Office is a well-deserved one. I believe there is no office in the State which is conducted not merely with greater zeal, but also with greater fidelity, with greater discretion, and with greater secrecy; and it is because I think so that I hope your Lordships will permit me, for a single moment, to refer once again to that which formed the subject of the discussion which led to this question. My Lords, I allude to that which in its results cannot but lead, in the public mind, to cast an undue and undeserved suspicion upon the fidelity of that department which has been the object of the noble Earl's very just panegyric. I mean, of course, the publication by a portion of the public press of Cabinet secrets, or what ought to have been Cabinet secrets, and which could only have been disclosed in two ways, either with the sanction of the Government themselves, or, if not with their sanction, then by one or other of the public servants, in violation of his duty. Now, my Lords, after the statement made by the noble Earl the other night, I cannot have a moment's hesitation in saying that I am perfectly satisfied that, from whatever quarter the *Times* newspaper may have derived the information which it published in its columns, and to which I took occasion to call the attention of your Lordships, it was communicated to that journal not only not by the noble Earl, but without his knowledge or sanction. I must say, further, that I do not in the slightest degree object to the principle, for public convenience and for public advantage, of Ministers, at any particular time at which they may think it convenient that information should be given at the earliest possible moment to the public, and especially when Parliament is not sitting—I do not, I say, object to the Ministers making use of the very admirable medium of the public press for the purpose of conveying that information to the public: therefore I beg to be understood that I do not at all complain of Ministers making use of that mode of communication for the publication of matter which ought to be known to the public, and which would have been laid before Parliament if Parliament had been sitting at the time; but I do think there is growing up an evil which does require to be checked, and which may issue in very serious political consequences, and of which we have had proof upon more than one occasion lately; that somehow or other there are means in existence whereby more especially one particular newspaper can obtain possession of and circulate through the country documents of the most secret and confidential character. Now, my Lords, the noble Earl must forgive me for stating that neither he nor the other Members of the Government should be suprised if they find when the editor, or reputed editor, of that particular journal is on terms of intimacy and familiarity with more than one Member of the present Cabinet—and when they find that his visits to the neighbourhood of Downing Street are neither few nor far between—if they find—what is very generally believed, and what I do not think will be denied—that more than one, two, or three gentlemen in official situations, and connected with public offices, are in the habit of communicating to that journal—under such circumstances, I say, it should not be a matter of surprise to the noble Earl if the public entertain the opinion—perhaps the unjust opinion—that some of the disclosures which have taken place have been made, if not with the concurrence, at least in consequence of some imprudence and indiscretion on the part of high officials in the public service. I will not refer again to the case upon which I felt it to be my duty to address some observations to your Lordships a few evenings ago; but I will allude shortly to an instance of the publication of recent documents, in which it appeared to me perfectly certain the Government had no participation, but which I believe, on the contrary, met with their strong reprobation, and which affords a striking example of the injury and mischief that may be done to the public service by the appearance of unauthorised communications in the public journals. I allude to the knowledge given to the public of the *ultimatum* which was sent from this country to Russia only a very few days ago—a knowledge of which, so far as the Members of the Government are concerned, I believed was confined exclusively to the Cabinet—with regard to which, if I am not misinformed, extraordinary precautions were taken to ensure secrecy; but which, notwithstanding, on the next morning but one following the meeting of the Cabinet at which it was decided upon, appeared *in extenso* in the columns of the *Times;* and in consequence of the courier who was sent to Russia with that important message, bearing upon the great question of peace and war, having been detained upon his journey by other political combinations and negotiations which were going on, the first intelligence which the Emperor of Russia would receive of the English ultimatum, the result of the rejection of which would be a declaration of war, would be not through any official document, but through the columns of the *Times* newspaper published two days after the decision of the Cabinet. Now, my Lords, I altogether acquit every Member of the Government of having had the slightest participation in this gross violation of public duty; but I do say that this is a subject which deserves, and which must receive, the serious attention of the Government; and if the Government be not sufficient, then the attention of Parliament itself. Your Lordships will probably have read the article which appeared in the *Times* newspaper the other day, after the debate that took place in this House, in which the writers of that journal took a very high view of their position, of their rights, and of their duties, and treated with the utmost contempt the notion that in their position it was possible they could condescend to receive information from any subordinate Member of the Government. Now, my Lords, I say, considering the tone of that declaration, how is it possible that any honourable man, editing a public paper of such circulation as the *Times*, can reconcile to his conscience the act of having made public that which he must have known was intended to be a secret—a Cabinet secret—and by what means could he have obtained possession of that secret, except either by the connivance and concurrence of an important Member of Her Majesty's Government, which I altogether repudiate, or else by some unworthy bargain with some person under the Government, or in their confidence—which confidence was scandalously betrayed? My Lords, I have thought it right to take this opportunity of again calling the attention of your Lordships to the important subject which led to this discussion, which I hope has now terminated, for the purpose of saying that, if Her Majesty's Government, willing as they must be, are unable to put a stop to this course of proceeding, then it is time for this House to interpose with the weight of its authority, and to take steps by the whole weight and power of its authority, not only for discovering and exposing, but for punishing, the delinquent who is guilty of so gross a violation of public duty as that which enables any newspaper to avail itself of such information for the purpose of betraying secrets which it is essential and important to the country should be concealed. And, my Lords, I shall only add that upon the next occasion when the *Times*, or any other newspaper, shall be guilty of such a breach of what I conceive to be their public duty, if no other Member of this House takes the matter up, I will myself take the question in hand, will bring it before your Lordships, and will endeavour to extract from the parties themselves—I repeat, from the parties themselves—the mode in which they obtain possession of such information.

THE EARL OF MALMESBURY: My Lords, after what the noble Earl at the head of the Government has stated with respect to the subject I brought before your Lordships, I have only to say that Mr. Astley and his family will receive with sincere satisfaction the withdrawal of the charge which was made against him, as well as the expression of the noble Earl's regret at his having made that charge. My Lords, I will only make one or two observations with reference to what has just fallen from my noble Friend. From my own experience I am aware that Cabinet secrets have transpired, and have become known to the public, but they always related to matters of communication between two parties, and the secret being known to two parties, it was possible for it to be divulged by either of them; and, I am sorry to say, whatever may be my opinion as to our own Foreign Office, that Foreign Offices abroad are not to be relied upon for secrecy in all cases, for I have myself known secrets most shamefully brought before the public by means of the faithlessness of foreign officials. In the present case, however, it is clear that the secret could not have been betrayed abroad, but must have been divulged in this country, because the knowledge of the ultimatum did not extend beyond the Members of the Cabinet and some persons employed by the Government. More than that, the fact that the *Times* newspaper published the information only two days after the meeting of the Cabinet is an additional proof that the person who violated his duty must have been a person connected, somehow or other, with the Government, and whom, therefore, the Government were bound to discover and expose. Now, my Lords, I do not believe it is possible that any Member of the Cabinet would be guilty of the indiscretion of allowing anything that passed within the Cabinet to be publicly known; but, at the same time, I trust that, if a repetition of any of these improper proceedings should occur, the noble Earl, whose duty it will be to discover who the culprit is, will not rashly lay the blame upon the youngest and most insignificant member of the department, but will remember the answer given by Sancho Panza to his master, Don Quixote, upon an occasion when accused of an indiscretion, "Your worship will recollect that a cask may leak at the top, just as well as at the bottom."

LAW OF PRIZE—BRITISH GOODS IN NEUTRALS.

The Marquess of CLANRICARDE, in moving that an humble Address be presented to Her Majesty for Copies of the late Correspondence between Her Majesty's Secretary of State for Foreign Affairs and Her Majesty's Consul at Riga, regarding the Export of the Produce of Russia belonging to Her Majesty's Subjects, and to the Rights of Neutrals in the Event of War, said, he wished to call the attention of their Lordships to the following despatch, dated Feb. 16, written by the Under Secretary of State to the English Consul at Riga:—

> "The Earl of Clarendon has had under his consideration your despatch requesting to be informed what respect would be paid by British cruisers in the event of war to *bonâ fide* British property, the produce of Russia, if shipped on board neutral vessels. I am to acquaint you in reply that property of the description in question, the produce of Russia, and exported therefrom, by and on account of a British merchant domiciled and trading there, although purchased before the war, and exported to England, would not be respected by Her Majesty's cruisers unless in pursuance of a licence, or of some special instructions from Her Majesty to the officers of the Navy. By the law and practice of nations a belligerent has a right to consider as enemies all persons who reside in a hostile country, or who maintain commercial establishments therein, whether such persons be by birth neutrals, allies, enemies, or fellow-subjects; the property of such persons exported from such country is therefore *res hostium*, and as such lawful prize of war. Such property will be condemned as prize, although its owner may be a native-born subject of the captor's country, and although it may be *in transitu* to that country; and its being laden on board a neutral ship will not protect the property. You will, therefore, inform those whom it may concern that in the event of war the property in question will not be protected by the consular certificate, or by any other document, but will be liable to capture and condemnation as prize."

He did not in the slightest degree call in question the accuracy of the law as laid down in that communication by the noble Earl, nor had he the least doubt that, before sanctioning that declaration of the law with the authority of his office, the noble Earl took good care to have recourse to the best legal advice upon this subject; but he (the Marquess of Clanricarde) thought there was something in the tone of the despatch in question, and in the way in which a grave subject like this was incidentally treated by it, which was not satisfactory. [The noble Marquess here referred, in a tone which was almost inaudible, to a letter written by the noble Earl the Secretary of State for Foreign Affairs to Her Majesty's Consul at Riga, and was understood to deprecate the indistinct and abrupt terms in which it was couched. The noble Marquess referred to the disagreeable duties which devolved on our diplomatic agents abroad in their endeavours to settle the disputes into which British merchants resident abroad frequently got into with the local authorities in respect of their persons and goods, and appeared to infer that the letter of the noble Earl was calculated to embarrass the Consul at Riga.] He wished to ask the noble Earl whether the document he had read was to be taken as the positive decision of the Government as to the mode in which the property in question was to be treated during the war? He would remind their Lordships that British merchants, in their commercial transactions with Russia, must have made engagements in the autumn of each year, and made advances on their purchases, in order to enable the Russian merchant and producer to bring down their goods to the seaboard in the middle of winter, so that the goods thus purchased and paid for might be regarded as British quite as much as those that were bonded on the banks of the Thames. The detention at Riga was therefore so much clear loss to Great Britain and so much gain to Russia. There was another matter—the rights of neutrals in the event of war—upon which he presumed it was not intended that the despatch in question should be taken as pronouncing the opinion of the Government. So grave a subject as that, and one which had led to so much controversy, he thought ought not to be discussed in that sort of incidental correspondence. Again, if we were to treat the property in question in the way indicated in this letter, our conduct unfortunately in that case presented a disadvantageous contrast with that of the Emperor of Russia with regard to our own fellow-subjects. Their Lordships would remember that in the autumn of last year the highly respectable body of British merchants, living at St. Petersburg, having taken alarm at the aspect of political affairs, were quieted by our Government by the assurance that the dangers then apprehended would all be ended by negotiation, and they had the further assurance which was made in the Speech from the Throne at the conclusion of the Session; and, later, upon hostilities becoming more probable, the Emperor of Russia gave them an assurance, conveyed to them by the highest authority, that, come what might, their persons and their property should be safe. That was a wise and politic declaration; and, in addition to its being wise and politic, it was an honourable and generous treatment of those persons. There was another point—the conduct of the German Powers. Their Lordships had heard a good deal of blame thrown upon Prussia for the attitude she had assumed in the present crisis; but he thought Prussia was only pursuing her own interests, well understood, in the course she had taken. It was felt in Prussia, as everywhere else, that the balance of power ought to be maintained, and that it was desirable to preserve the peace of Europe. But the war having become apparently inevitable, at this moment it was impossible that Prussia could fail to see the advantage to her own interests of driving a good transit trade with Russian produce and trade. Prussia having abolished the duties on imports into her territory by land, the consequence of our severity towards our merchants in that country would be, that we should not only injure so much British property for the benefit of Russia, but we should also advance Prussian interests by forcing imports into Russia by way of the land instead of the sea. It might so happen that a neutral vessel might at this moment be loading at Odessa with a cargo for a British merchant; and if a declaration of war should be made in a few days, that vessel might be seized in the Channel, although, as a neutral vessel, she would not be prevented leaving the port. There might be a necessity to be very severe in carrying out the maxims of war, in order that war might not be of long duration; but, on the other hand, it was wise not to interfere with peaceful and useful pursuits when that could be avoided. The noble Marquess then read the following letter, published in this day's *Times*, from Sir J. Emerson Tennent, dated from the office of Committee of Privy Council for Trade, on the 14th instant, and addressed to a mercantile house in the City by the Board of Trade:—

"Office of Committee of Privy Council for Trade, Whitehall, March 14, 1854.

"Gentlemen:—In reply to your letter of the 24th of February, requesting to be informed whether, in the event of war between this country and Russia, Russian goods imported from neutral ports would be considered contraband, or would be admissible into England? I am directed by the Lords of the Committee of Privy Council for Trade to inform you that, in the event of war, every indirect attempt to carry on trade with the enemy's country will be illegal; but, on the other hand, *bonâ-fide* trade, not subject to the objections above stated, will not become illegal merely because the articles which form the subject-matter of that trade were originally produced in an enemy's country.

"I am, gentlemen, your obedient servant,
"J. EMERSON TENNENT.
"Messrs. Martin, Lewin, and Adler."

According to that letter, it would seem that a direct trade with the enemy's country would be legal; but that, of course, could not be meant; and though he had a suspicion of what was really intended to be understood, he thought it desirable that the point should receive some explanation from a Member of the Government. He admitted that in many cases it would be sound policy and humanity to be very severe in carrying on a war, in order that that war might not be of long duration; but, on the other hand, he thought it was one of the highest indications of the wisdom of a Government to avoid interfering, as far as they could, with the peaceful and useful pursuits of commerce. The noble Marquess concluded by moving for the production of the correspondence in question.

THE EARL OF CLARENDON: My Lords, with respect to the letter to which my noble Friend has alluded, and which I had not seen before, it appears to me that, although there may be some indistinctness in its wording, there can be no doubt as to the meaning to be attached to its contents. It meant to state that, in the event of war, all trading, direct or indirect, with the enemy's country would be illegal; but that, on the other hand, trading in articles, the produce of that country, coming through a neutral port, and in the way of *bonâ-fide* trade—that is, in property not belonging to the subjects of the belligerent Power, will not be illegal, from the mere fact that the articles forming the subject-matter of that trade were originally the produce of an enemy's country. This is the meaning I attach to the letter to which the noble Marquess has referred, and this is, I consider, the fair construction to be put upon it. With respect to my letter to Her Majesty's Consul at Riga, I should be very sorry that it should appear to have been written with any unnecessary curtness or severity, or that it should in any way inflict pain on the British merchants resident in Russia, and I can truly state that such was not my intention. I, like my noble Friend, have resided for some time at St. Petersburg, and I feel bound to bear witness to the honourable conduct and bearing of the British subjects resident there; and, although I am ready to agree with the noble Marquess as to the many disagreeable calls we have made upon us relative to the persons and property of British subjects resident in the country to which our Embassies may be attached, yet, with reference to the British residents at St. Petersburg, as far as my experience goes, I must say that I never had the slightest trouble or annoyance with them—they always managed to settle among themselves any disputes they might have. The letter of which I am now speaking became necessary in consequence of certain communications which had been made by a gentleman resident in Russia to the consular authorities at Riga. This gentleman, who was a merchant at Riga, declared his intention of not quitting Russia, but, on the contrary, of remaining a resident there; and he wrote and asked whether he might export Russian goods from Russian ports with safety. The subject was referred to me about a month ago, and I immediately took advantage of all the means at my command to ascertain what the law really was with reference to it; and, having ascertained it, I stated it as clearly and as concisely as I could in my despatch to the Consul at Riga. In such despatch I explained to him that, by the law and practice of nations, a belligerent has a right to consider as enemies all persons who reside in a hostile country, or who maintain commercial establishments therein, whether such persons are by birth neutrals, allies, enemies, or fellow-subjects; that the property of such persons exported from such country is *res hostium*, and, as such, is looked upon as lawful prize of war. Such property, I said, would, in fact, be condemned as prize, although its owner might be a native-born subject of the captor's country, and although it might be *in transitu* to that country; and the fact of its being laden on board a neutral ship would not protect it. I am exceedingly sorry that the language of the law should be considered to be unnecessarily curt or severe upon this question; but, in writing the despatch to which the noble Marquess has called attention, it was not my duty to alter the words in order to make the opinion of the law officers more bland, or to indulge in any comments as to the severity of the law, but merely to state clearly, distinctly, and explicitly what the law really was. I only wanted to inform him of the truth, what the law was, and what he would expose himself to if he did what he had announced it was his intention to do. I certainly did allude to licences and facilities that might be given; but, without knowing under what circumstances he was going to export his produce, and, in fact, knowing none of the particulars of the case, I thought I was going to the utmost extent allowable, without leading him into error, when I adverted to such facilities, and informed him of the state of the law, leaving him to decide for himself. During the last few days I have received at the Foreign Office very numerous applications indeed on the important subject to which the noble Marquess has referred, many of them requesting information on points of law, others with regard to the safety of transactions in which they are engaged, and others regarding the use of the Russian flag in consequence of the dearth of shipping experienced this year, and many others putting a string of hypothetical cases which it would require no common ingenuity to unravel. I consider it to be no part of my duty to give answers to a great many of these questions that have been put to me; but still I have no wish to make use of official reserve, and, therefore, I have endeavoured to give all the information in my power; but your Lordships will understand that great caution is necessary in doing so, from the fear, in the first place, of leading parties into errors which might have led to their injury; and, secondly, not to commit the Government to courses which may involve great responsibility. With respect to the intentions of Her Majesty's Government, it has been impossible hitherto—though I need hardly tell you that there is every desire on the part of the Government to give all the protection possible to British commerce and British property—it has not been possible hitherto to determine on what principle the dispensing power of the Crown will be exercised—whether licences or Orders in Council shall be resorted to—till we know all the particular cases and the infinite variations which distinguish them. There is also this point to be borne in mind—that we are, for the first time, engaged in a war with a naval ally, and, therefore, it is our duty to be very clear as to the principles we are about to adopt, and the departure which we shall sanction from our former law and practice, as well as the *bonâ-fide* character of every transaction, before we can call on the French Government to adopt those principles, and to protect British commerce and property in a way that the French might not, in ordinary circumstances, see to be right. A great variety of cases has now been brought under the consideration of Her Majesty's Government, and I think we are now very nearly in a position to determine what rule of conduct to adopt and what facilities to afford. But I should be sorry to enter into any particulars on this subject, and my noble Friend has given a very good reason why, when he stated that the accounts which have appeared in two papers are entirely at variance with each other; but I think we are nearly in a position to determine the principle on which we will allow licences; and I, therefore, only say at the present time, in answer to the observations with which my noble Friend concluded his speech, that, in so far as concerns protection to British subjects and commerce, it is the determination of Her Majesty's Government to act with the utmost liberality consistent with the rights of belligerents. With respect to the rights of neutrals, and with respect to letters of marque, I trust we are about to set an example of liberality by which we shall be able to show that, as far as it is in our power, it is our intention to mitigate the calamities of war, and to act in a manner that shall be consistent with the humanity and civilisation of the age. I have only to say, further, that it is of great importance that our own country and foreign nations should be apprised at as early a period as possible of the course which the Government intend to pursue, and I hope, therefore, in a few days to be able to lay the correspondence applicable to this subject on your Lordships' table.

On Question, *agreed to.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 17, 1854.

MINUTES.] PUBLIC BILL.—1° Oxford University.

OXFORD UNIVERSITY BILL.

LORD JOHN RUSSELL: Sir, in rising to move for leave to bring in a Bill to make further provision for the good government and extension of the University of Oxford and of the colleges therein, I consider that I am about to bring under the consideration of the House a most grave and important subject, and I think under these circumstances that I have peculiar need of your indulgence. I have peculiar need of your indulgence, in the first place, because not having had the honour of studying there, I have not any personal acquaintance with the institutions of the University of Oxford, in regard to which I propose to bring in a Bill; and in the second place, because, labouring under the effects of bodily indisposition, I fear I shall not be able to convey amply and fully to the House the views which the Government entertain with regard to this very important question. On the other hand, Sir, I shall have had the advantage of having had under my consideration a very elaborate and copious Report from the Commissioners appointed by Her Majesty to inquire into the state of the studies, discipline, and revenues of the University of Oxford. I have had the advantage likewise of the Report which has been submitted by a Committee to the heads of houses on the questions raised by the Report of the Commissioners, and the able evidence submitted to them upon the questions which have been raised. I have likewise had the very great advantage of the assistance of my right hon. Friend the Chancellor of the Exchequer, the Member for the University of Oxford, in the preparation of the Bill which I am about to ask the House to give me leave to introduce. I therefore, Sir, proceed at once to the question whether or not it is advisable to propose to Parliament great changes with respect to that University. I will not, at the present moment, enter into the objections which have been made against any interference by Parliament with the constitution of that University. But after having stated the views which we take, I will endeavour to meet those arguments which have been used in order to prevent the interference of Parliament. The Commissioners, Sir, have pointed out at great length the defects which they conceive to exist in the University of Oxford, and the remedies which they think are required. But it is not the Commissioners only who have stated that the University of Oxford does not at present fulfil all the purposes for which she is designed as a national institution. I find a statement to the same effect in that very able evidence which was laid before the heads of houses by Dr. Pusey. Dr. Pusey said :—

> "There is much need of every exertion to extend the old Universities. They have means for sound education, and a traditional feeling which no new institution can possess; means (as our fellowships) which are now often comparatively wasted, because no adequate employment is found for them within the University. But now, instead of extending our influence, we have been gradually losing the preliminary education, not only in some degree of other learned professions (as the bar and the higher medical profession), but even of the very clergy. The population of England increases day and night; increase of clergy is not only needed, but demanded."

There cannot be stronger testimony to the fact that some reforms are needed, when so able an opponent as Dr. Pusey says not only is the University of Oxford not adequate, in extent at least, for the education required for the bar and the medical profession, but even for the clergy, whose education, it is supposed, the University of Oxford is fully competent to impart. In considering this matter, I propose to take in their order the different subjects which I stated in a speech last year upon national education, and which subjects were again pointed out in a letter to the Chancellor of the University of Oxford from my noble Friend the Secretary of State for the Home Department. In the first place, I will consider the alterations to be made in the constitution with a view to the public welfare and to the extension of the useful influences of the Universities. The Commissioners have stated that they are general defects in the constitution of the governing body. They have stated that the heads of houses who now constitute it are generally elected for very different reasons; some, because they are supposed to be conciliatory in their manners, or that they will exercise a wise superintendence over the administration of the revenues of the college, or, lastly, from their connection with those who sympathise in the doctrinal or political opinions of the majority, but in no case because they show that they are peculiarly qualified to take the superintendence of the studies of the University. That this is the case I think has been admitted by several of those who have given their opinion to the Committee of heads of houses. Without now stating what it is proposed to do upon this subject, I proceed to the next question, upon which there is a great deal of evidence in the Report of the Commissioners—I mean the extension of the University. We are to consider that this is a national institution—that it is one which ought to supply education for as many as can be supposed to require at that place a large and liberal system of education. In looking at the history of the University, we find that in ancient times, the University, and not the colleges, was the principal ruling body—that the Congregation of the leading resident tutors, and professors, summoned by bell, formed the ruling body of that University—that at one time there were no less than 300 halls, to which scholars resorted to obtain the benefit of the education of the University. But in progress of time the whole of this system was subverted, and the Commissioners state that for 150 years—it appears, however, for a considerable longer period—the halls have entirely disappeared, and become altogether extinct, and no instruction has been given except under the modern system, through the medium of the tutors of the different colleges. I find that this is stated, not only by those who are in favour of the Report of the Commisioners, but by those who are against it. There is, then, quite a different system from that which was originally established; and the consequence of that different system is, that the education has become far more confined—that young men are obliged to enter themselves of a college, and that, belonging to that college, they are obliged to receive the education given in that college, and they look only to that education as the means of obtaining, whether degrees or honours, or whether fellowships and the more substantial rewards of the University.

Now, Sir, there is in the evidence of Dr. Pusey, to which I have referred, a great deal of very acute discussion on the question which he puts as the alternative

—education in colleges or education by professors? I own it appears to me, in the first place, that these are not antagonistic questions. It appears to me that nothing can be more wholesome, nothing more advantageous, than the existence of a college the head of which and the fellows of which exercise a certain amount of discipline on the young men, who are sent to that University, who afford them the benefit of their society, and both by their authority and their manners can put some check on those excesses into which youth is apt to fall, both in point of extravagance and in the indulgence of the passions. It is, I say, a very great advantage that this country should possess such colleges as these at Oxford, and that education should be going on within them. But, Sir, if education is entirely to be confined to those colleges, it is obvious that the tendency will be this—that the teachers and tutors of those colleges will confine themselves to certain branches of learning, and not only confine themselves to certain branches of learning, but in those branches of learning confine themselves to certain books, and a particular class of views on those subjects with which they will of course become thoroughly acquainted, and find, therefore, greater facility in teaching from them than upon a larger and more comprehensive system. On the other hand, the professorial system merely considered alone, as it is said by one whose authority is worthy of respect—"the professorial system taken alone has a tendency to afford a loose and somewhat superficial kind of education." The student, though he hears the lectures, has not the advantage of a *vivâ voce* examination by a tutor in whose room he is sitting, and from whom he is receiving immediate instruction, and therefore goes away with but scant information. But, Sir, on the other hand, it is not to be expected that the college tutor, with that tendency which I have said to confine himself to certain branches of studies—it is not to be expected that he should attain that large and comprehensive view of different sciences which would be obtained by any person who is in the situation of a professor, whose faculties, as is generally the case, have not been so much trammelled, and who has been devoted more minutely to a branch of study, and who is also able to point out all the various branches of learning which belong to that particular branch, Dr. Pusey has drawn, in this comparison between the tutorial and professorial systems, a picture of the German Universities, and he has said the choice lies between the tutorial system of Oxford and that system of German rationalism which is taught by the professors in the Universities of that country. But, Sir, logical truth is entirely wanting. The system of German rationalism does not belong to the professorial system; and if, instead of going to Germany, Dr. Pusey had gone to Scotland, he would have found professors of divinity, such as Dr. Chalmers, as far removed as possible in their views from the views of those German rationalists which it is the dread of Dr. Pusey lest they should be admitted into this country.

I own it appears to me, Sir, that we have an opportunity, and an opportunity which we ought not to lose, to combine the advantage of tutorial college tuition with that of professorial teaching. I should as little listen to a person who said, because the tutorial system is excellent, and our colleges are of the greatest value, we ought not likewise to have professors, as I should listen to a lesson on agriculture, in which the teacher said, "It is of the utmost importance to prepare the land, to break, to plough, and to harrow it; to enrich it with manure, and to make it ready for culture; but with respect to sowing seed, that is a matter of little consequence, to which we need pay little attention." That seems to me to be the argument employed by Dr. Pusey. The argument apparently is, that you ought to do all in your power to strengthen the mind, and only to convey bare information. If the young men of Oxford stayed there only until they were fifteen or sixteen years of age, I could well understand such an argument; but as they stay there until they are one or two and twenty, it is advisable that, besides this college tuition, they should have information with regard to those great branches of learning and science which of late years, and not of late years only, but during the last century, have formed the riches of modern times. The science of Newton, the literature of modern days, of England, Italy, and France, should be included in the scheme of a liberal education. It appears to me that there are two classes of persons for whom a University education is desirable. The one class are those who study for some profession, or at all events expect to derive great advantages from study in after life. I do not think you give those young men sufficient education, unless you point out to them the road by which such eminence may be obtained. I admit, Sir, that in the scheme of studies, proposed in 1850, a great advance was made in this respect; but I think that if the Statute of 1850 is examined, it will be found that even there there is not sufficient scope—not sufficient means—for a young man to obtain that knowledge of the science and learning of modern times which it is desirable he should have an opportunity of acquiring. Now, I find that at Cambridge every person who endeavours to obtain honours is obliged to have some acquaintance with the *Principia* of Newton; but I find no such obligation at Oxford; and yet it appears to me that, whether considered with a view to forming the mind—whether with a view to strengthening the intellect for other species of reasoning—whether with a view to watching the progress of discovery as continued in successive ages, by one eminent man after another, or whether as giving the most sublime views of Divine Providence and Divine Intelligence —from any of these points of view it appears to be that to follow out the geometrical propositions from the commencement of Euclid to the third book of the *Principia* would be as good and as useful a study as a young man could possibly pursue. But it would appear as if the modern date of Newton's discoveries was in some way an objection to the book being used in the University of Oxford. I observe that Dr. Pusey takes great credit for the instruction given in *Butler's Analogy*. I admit that *Butler's Analogy* is a book as fit to be put into the hands of men whose minds are to be exercised and taught the process of reasoning as any that can well be pointed out; but I find that it has only been within the last few years that that book has been used at the University.

I have here a statement of the number of pupils who have attended the lectures of the several University professors, and I will take the liberty of reading it to the House. Those numbers have varied, from time to time, during the last two years, having sometimes been, in the case of the Regius Professor of Divinity, 43, 3, 6, 26, 16, 14. The attendance at the lectures of the Regius Professor of Medicine was, in former times, rarely more than 10, and often not above 4 or 5. At the lectures of Savile's Professor of Geometry the average attendance was not above 3, the numbers having varied from 18 to none. The average number attending Savile's Professor of Astronomy was about 3; White's Professor of Moral Philosophy, between 40 and 50; and Camden's Professor of Ancient History, for the popular lectures, about 50, for the others, 10. The lectures of the Regius Professor of Modern History having been a great attraction on their establishment, the attendance for the first year was 160 on the average, and for the second year 57. The attendance at the lectures of the Earl of Lichfield's Clinical Professor was, on the average of the last three years, 5; and at those of the Lord Almoner's Reader in Arabic, 3, 4, or 1. The attendance at the lectures of Aldrich's Professor of Chemistry averaged, from the years 1822 to 1830, 31 per annum; from 1831 to 1838, 16 per annum; and from 1838 to the present time, 12 per annum. The average attendance upon Lee's Prælector of Anatomy varied from 12 to 20, upon the Reader in Experimental Philosophy it was 30, upon the Reader in Mineralogy and Geology it was 107 on the average for four years, and upon Boden's Professor of Sanscrit it was 10. Thus it will be perceived, in regard to all these professorships, that they do not form, in fact, a part of the education of the University; and, therefore, when it is stated, as it is, in some of the works that have been issued against the Report of the Commissioners, that there are at present professors, the obvious answer is, that no doubt there are at present professors, but that attendance on their lectures does not form any part of the road to honours or emoluments in the University, and that the consequence is, as might naturally be expected, that the studies of the colleges are preferred, and that the young man who has given an hour to a Greek play, an hour to Thucydides, and an hour to Aristotle's logic, is not much disposed to attend a lecture on chemistry, mineralogy, or modern history. It is clear, therefore, that the time has come when there ought to be a junction between the system of teaching in the colleges and the duties of the University professors.

Sir, I have stated these matters in order to show how completely the University has changed; and it is a fact of that change, that, instead of there being any of these halls of which, as I told you just now, as many as 300 existed at an earlier period of our history, the only means of obtaining education is by becoming an inmate of one of the colleges. The consequence, then, of the colleges having this monopoly, and of the restrictions established in consequence of the Laudian Statutes, has been that those cheaper modes of living which were in use at former times, and by which great numbers of persons, otherwise poor, could obtain entrance into the University, all those avenues are shut up, and the numbers at the University have been very much reduced. It was stated by the heads of houses, in the year 1846, that at that time the number of undergraduates was 1,450, and that the general number had been about 1,300. Now, when it is considered that there was at one time at Trinity College, Cambridge, alone, 1,300 inmates of the college, besides 700 who lived in lodgings, but were considered as belonging to it, we must think that 1,300 students for a great national institution, with a revenue of 150,000*l.* a year, is a very insufficient number. This, therefore, is one of the defects for which we wish to provide a remedy—that there is no means of obtaining education at Oxford except by belonging to one of the colleges. The next point to which I wish to refer, and which I mentioned last year, is the restrictions which are placed upon the various emoluments, which are the rewards of learning in the University. And here, again, I cannot help thinking that, although the ancient Statutes are referred to, these scholarships and fellowships are far more restricted than was ever intended by the original founders. As to the results, at all events there can be no doubt. With one witness after another saying that, in consequence of those restrictions, and especially of restrictions to the kindred of the founder and to particular localities, the ordinary man is very often preferred, while the man of singular talent and learning—the man who has distinguished himself in University studies—is rejected. Thereby, undoubtedly, the field of utility is narrowed, and the University does not produce all the advantages which it otherwise might, and which they certainly are capable of affording. It is part of the same subject that many of these fellowships are held by those who for many years have had no connection with Oxford, nor contributed in any way to the studies of the place, and thereby the means of this great University are restricted and frittered away by that waste to which Dr. Pusey has referred.

The next subject to which I have to allude touches a question with respect to which, undoubtedly, objections may be raised, but the object to be gained is one of so much importance that we could not omit it out of our scheme of necessary reform of the University. It appears to me that some part at least of the revenues of the richer colleges—that some parts of those revenues which are not now applied to the purposes of learning and the purposes of teaching in the Universities, ought to be so applied; and that we could not do better than lay down certain rules by which professors and lecturers, and others engaged in teaching in the University, might receive a sufficient income and be made available for the future purposes of University education. On this subject I will venture to quote what has been said by Burke upon another subject, and which, although I think he did not probably apply it well—speaking, as he then was, of the monasteries in France—yet, as a general rule, regarding great revenues which are not now applied to useful purposes, lays down maxims so admirable, that I think the House may well be guided by the wisdom which they display. He says:—

> "A politician, to do great things, looks for a power, what our workmen call 'a purchase;' and if he finds that power, in politics as in mechanics, he cannot be at a loss to apply it. In the monastic institutions, in my opinion, was found a great power for the mechanism of politic benevolence. These institutions are the products of enthusiasm; they are the instruments of wisdom. Wisdom cannot create materials; they are the gifts of nature or of chance; her pride is in the use. The perennial existence of bodies corporate, and their fortunes, are things particularly suited to a man who has long views, who meditates designs that require time in fashioning, and which propose duration when they are accomplished. He is not deserving to rank high, or even to be mentioned in the order of great statesmen, who, having obtained the command and direction of such a power as existed in the wealth, the discipline, and the habits of such corporations as those which you have rashly destroyed, cannot find any way of converting it to the great and lasting benefit of his country."

Now, Sir, there is no question in the present case of destroying any institutions, or of disposing by sale of their great resources; but there is a question of applying them to purposes for which it is evident they were originally intended, and of applying them in a way suited to the wants of our own times. I may be told—and that I shall now come to—I may be told that this is an unhallowed interference with the disposing of property by will—that it is breaking into foundations and endowments surely laid, and by antiquity. I find, indeed, that the Chancellor of the University of Oxford—blasting this measure in its very birth—says, that the whole effect and spirit of the Bill which I propose to introduce to-night is utterly subversive of all those privileges of the University which he is bound to maintain. To the same purport have been other communications received by my right hon. Friend the Chancellor of the Exchequer. Now no doubt it is a serious question, but it is a question with respect to which I should think it impossible for any man to deny —not only that we have the power, for I should think very lightly of that—but that we have the right and the duty to apply these great endowments to the purposes of education in the manner which the necessities of the times require. Let us look back, in the first place, to the origin of these foundations. Has everything been kept exactly and literally according to the Statutes of the founders? I need hardly refer—I do not know that it would be fair to refer—to such an event as the Reformation, but I may observe that, fourteen out of the nineteen colleges at Oxford having been founded before the Reformation, many of the injunctions of their founders were changed, at that event, by the Statutes of Parliament and by the orders of the Sovereign who reigned at the time. That was one great change; it was a great change for the national benefit, and it may be said that, as the whole nation had changed, it was necessary that these great institutions should be made conformable to the alteration which had taken place in the national belief and faith. But the change did not by any means stop here. Changes have been made affecting the very question itself of the kind of teaching that was to be adopted at the University. I believe I have stated—or if I have not, I must do it now—that in early times, in many of these colleges, there were certain sums of money set apart for lectures in divinity and in the canon law, and on moral and natural philosophy. What has become of these foundations? They were intended, evidently, for the benefit of the whole University. Have they been so applied? I will read you the account of a very venerable man —a man not only venerable from his age, but respected for the contributions he has made to the historical literature of the country—I mean Dr. Routh, the President of Magdalen College. Dr. Routh says, in reply to the questions:—

> "I send, with my respectful compliments, for the information of the Committee of the Hebdomadal Board, 'on what are the particular circumstances respecting readerships or professorships in Magdalen College, for the service of the University,' a copy of the college Statute relative to our lectures in divinity and moral and natural philosophy. As to 'what is the actual state of such readership or professorship at the present time,' I answer that the usage has been, ever since and before I was a member of the college, for our lecturers to read, each of them, only one lecture at the end of every term."

Now, Sir, Dr. Routh says, and very truly —confining himself to the fact—that this has been the usage since he was a member of the college, and previously to his time, and before. He does not say it was according to the Statute; indeed, it was quite clear that it was not. It is quite clear that these lectureships were intended for the benefit of the University, as means of advancing the study of divinity and moral and natural philosophy; and that the Statutes, in this respect, have been complied with by reading one lecture at the end of every term. Now this is an abuse which we propose to remedy. We propose to rectify abuses, and not to destroy institutions—to act, as we believe, in accordance with the spirit of the founders, and not contrary to their intentions. Dr. Routh, however, says further:—

> "But it appears by Bishop Morley, our visitor's injunctions given in 1663, that the lectures were directed by him to be given once in every week, instead of the times mentioned in the founder's Statutes. This injunction he sends, they are his own words, '*pro ratione temporis*,' referring, I apprehend, to the change which had taken place in education, conducted as it now is, principally by tutors, persons unknown to the Statutes of Magdalen College."

So that, according to this statement of the President of Magdalen College, these changes were made by Bishop Morley, in the year 1663, *pro ratione temporis*. Well, then, let us also act *pro ratione temporis*. Why should we not have as good a right to consider the *ratio temporis* in the year 1854 as Bishop Morley had in the year 1663? Let us look at the intention of the benevolent founders of these institutions, and let us act, as far as we are able, in the spirit in which we believe they would have been disposed to act for the promotion of education and the encouragement of learning. Sir, there is a Statute of one of the most ancient of the founders of colleges at Oxford—Walter de Merton—whose regulations were, in many respects, copied by other colleges, not only at Oxford, but at Trinity and some other colleges at Cambridge, of which I will take the liberty of reading an extract to the House:—

> "Cæterum quia casus omnes futuri ab initio certâ lege includi non poterant, seu statuto, ideo volumus," &c.

He ordained, therefore, that the head of the college and eight or ten of the senior fellows should make Statutes from time to time, which should be obeyed by those who were subject to them—thus showing clearly that his view was that, according to the claims and circumstances of the times, innovations might be introduced in the regulations of the college. If we look also to the foundations of William of Wykeham, of William of Waynflete, and of other founders of colleges at Oxford, we shall find in several of them that there was an intention to have lecturers and professors on these subjects of the learning of the times, and that they intended these lectures to be for the benefit of the whole University. They acted according to their knowledge at that particular time, and when the first of these colleges were founded, scholastic learning was held in great repute, for it was a time when Aristotle was held in such reverence that in many of the towns of Germany it was said that, instead of reading a chapter of the Bible, the clergy used to read a portion of *Aristotle's Ethics*. The colleges founded at that time bear mark of the founders' intention to promote that kind of study. After that came the revival of learning; the literature of Greece became an object of attraction at Oxford, as elsewhere; professorships of Greek were founded, and the new learning was adapted to the new times. Well, Sir, three centuries and a half have elapsed since that time; we have made great advances in many sciences, and those sciences have produced wonders of which it is desirable that every man should know something with respect to their discovery and of the laws which apply to them. And with regard to those who attend the University of Oxford, whether they intend to pursue some profession, or whether they are persons whose circumstances are affluent, and whose position does not oblige them to earn their bread professionally, still, I say, they ought to receive at a national University either such learning as may enable them to pursue such branches of study as they may wish particularly to follow, or such general information as that they may be able, on going out into the world, to meet on equal terms with those who are generally well informed on these subjects. Sir, I cannot think that, in proposing to make a change of this kind with respect to a part of the revenues of the University of Oxford, we shall be at all trenching in any way upon the will or the intention of the founders. On the contrary, I think we should be rather acting in the spirit of these founders; and if there is any question between antiquity and modern times, I say that antiquity is with us, and that it is only modern times that can be quoted in favour of an education exclusively in colleges.

I will now state the general nature of the Bill which I propose to introduce. I have pointed out the defects of the University at present, relying on the statements of the Commissioners, corroborated and brought home as they have been by the testimony given by various witnesses to the heads of houses. What we propose in the first place then is, that instead of the Hebdomadal Board, consisting of the vice chancellor, the proctors, and twenty-three heads of houses, there shall be a body composed of twenty-four or twenty-five members, to be called the Hebdomadal Council, and to be composed in the following manner. We propose that the vice chancellor and the two proctors shall always form part of this Council, and that when the vice chancellor for the preceding year shall not be an elected member, he also shall form part of the board. That will give three or four persons who will be members *ex officio*. With respect to the others, we begin by forming a body, to be called, according to the ancient name, a "Congregation," and which will, in fact, consist of all the resident teaching staff of the University. There will belong to that body called a Congregation all the heads of houses, the tutors of colleges, the professors, persons bearing certain offices in the University, and others who are resident, upon certain conditions, and fulfilling certain rules which will be laid down. This body will, therefore, be numerous, and we propose that of the remaining twenty-one members of the Hebdomadal Council seven shall be heads of houses, of whom six shall be chosen by the Congregation and one nominated by the Chancellor of the University. To these seven there will be added eight professors, of whom the Congregation will choose six, the Chancellor will nominate one, and the eighth will be one of the divinity professors of the University. There will then remain six, who will be chosen out of the resident members of Congregation by the Congregation. The greater part of the governing body will thus be elected by the Congregation, but under these restrictions and conditions; and it will consist of the vice chancellor, of the vice chancellor for the preceding year when not an elected member, of the two proctors, of one head of a house and one professor, nominated by the Chancellor, of six other heads of houses, seven other professors, and six resident members of Congregation. This we propose as the governing body of the University. We propose that a certain number of those first chosen shall go out at the expiration of three years, but that, after the first election, the period for which they shall be chosen shall be six years.

The next subject which we propose to insert in the Bill has reference to the oaths, and upon this subject it is very clear that we ought not any longer to permit any oath to be taken binding the party, either not to repeal any of the Statutes of the University, or to obstruct any change of the Statutes. Upon this subject, therefore, we propose to make the following provision:—

> "Every oath, therefore, directly or indirectly binding the juror not to declare any matter or thing relating to his college under any inquiry appointed by law, to resist or not concur in any change in the Statutes of the University or college, or to do or forbear from doing anything the doing or the not doing of which would tend to any such concealment, resistance, or non-concurrence, shall be an illegal oath."

The next subject is one of which I have already stated to you the effect—I mean the exclusive character of college education. I propose that there should be a power to open private halls, which may be opened by any master of arts obtaining a licence from the vice chancellor for that purpose. He will obtain that licence only under certain rules and regulations, made in a manner to be hereafter explained. Those Members of the House who have attended to the recommendations of the Oxford University Commissioners will recollect that they propose that undergraduates should be permitted to live in lodgings under certain restrictions; but, upon considering the matter, we think it a safer plan that those who are not in colleges shall be in private halls, where they will be subject to some discipline, but where at the same time they will have a more economical mode of living than is to be obtained at present. Of course this must be matter of experiment, and its success will very much depend upon the means which persons may find of making it more economical than it is now; but there is every prospect that such a measure will succeed. I will here say a few words—and only a few words—upon a subject which attracts a good deal of attention, and which has been very much alluded to by all who have written upon the subject —I mean the habits of expense and extravagance upon the part of the young men attending the University. I believe, Sir, that this is a very serious evil, but that it is not to be corrected by a law passed by Parliament, but rather, in the first place, by inducing better manners and better morals; and, in the second place, by rules and orders made by the members of the University themselves. I do not think that any law passed by Parliament would be likely to cure the evil, for I cannot but anticipate that means would be found to evade its strict letter. I cannot but think, also, that there is much in what is said, that when parents send their sons to Oxford with very considerable incomes —they having had, as is often stated, as much as 200*l.* or 300*l.* a year spent on their education at school—it is utterly out of the power of masters and professors, or of the ruling body of the University, if they keep such young men among them, to control their habits of expenditure. It would require a degree of inspection which would be foreign to English habits and to English feelings, and I think it right not to attempt so inquisitorial a system. But I think, however, that the ruling body should have a right to say to the parents of such young men, "Ours is a place for education; we want young men to come here that we may instruct them in learning, and at the same time teach them habits of virtue and religion. If you send your son here to indulge in habits of extravagant expenditure, and to set a bad example to the sons of parents who can probably but very ill afford such expenditure, you are not within the scope of the University; and for that reason alone, not on account of any vice or crime, or of any dishonourable conduct, but simply because of your son's extravagance, and of his setting a bad example to the University, we shall request you to withdraw him from our society, in which we cannot allow him to remain." I think that sort of check would have a very salutary effect, and that it ought to be exercised more frequently, and perhaps I may say more fearlessly, than it has been hitherto done. At the same time, of course, these halls will be under the conduct of men whose character is well known, and who will keep a kindly and at the same time a useful discipline over those under their charge; and this will in itself be some security that no extravagant expenses should be incurred.

I come next to a question on which I do not propose to go into detail—first, because it would lead me too far; and next, because I think the House had better wait for the Bill before forming an opinion on the proposal of the Government. I come to the question, on which I have already touched, of preferences granted, owing to Statutes arising out of wills, to those who come under one of these different denominations—that they are related to the founder, that they come from a particular place or county, or, lastly, that they have belonged to a particular school. I think the first two of these restrictions stand upon a different footing from the last; for while the distinction in favour of the kindred of a founder must constantly lead to the emoluments of learning being taken by young men who are not entitled to receive them either by their industry, or application, or probably by their talent; and while the restriction to particular counties must often lead, as Archbishop Whately says it does, to results at variance with the intention of the founder, and tend to lower the standard of education imparted at the University; upon the other hand, restrictions to particular schools, provided there is a fair competition at the schools, and that the authorities at the University have an opportunity of selecting the best men, may be, practically, very useful. Now we propose to do away with the restrictions with respect to founders' kindred and to particular localities — except with respect to those which have been founded within 100 years, and with respect to the lineal descendants of the founder; and except also with respect to certain districts which are of considerable extent, and the circumstances of which are such as to justify, in our opinion, a departure from the general rule. With respect to schools, we only provide in the cases of their claims to fellowships that there must in every instance be at least two scholars from whom to choose. We go on to make a further provision with regard to fellowships. We propose that unless a person holding a fellowship is engaged in certain employments and occupations which I shall state, he shall not hold his fellowship more than one year. The occupations which we propose a fellow should hold are—that he should be habitually engaged in tuition, in the discipline of some college hall or private hall of the University, or that he should hold some one of the offices of the University which will be found named in the schedule. He may also retain his fellowship if he is either incumbent or licensed curate of a parish situate within three miles of Carfax, in Oxford; or should hold a certificate of study under this Act. This relates to resident fellows. With regard to non-resident fellows, we provide that he must be the resident incumbent or licensed curate of a parish within three miles of Carfax, in Oxford, or of a parish whereof at the time of the passing of this Act the college owned the great tithes, or wherein at the same period it owned property in land, such ownership then also continuing; or that he shall perform some duty requiring his absence from Oxford, the performance of which is now enjoined by Statute on the holder of such fellowship; or perform some duty, the performance of which may, by some future Statute to be made in pursuance of the powers conferred by this Act, be declared to confer on the holder of a fellowship at Oxford the privilege of non-residence. We likewise provide that after a person has held a fellowship for twenty years, and been engaged in the task of education at Oxford, or in the performance of any of the duties required, he shall then be free from these conditions and restrictions which I have been enumerating. In certain cases also, and for the purposes either of study or of pursuing certain professions, there is in this measure a power conferred upon the colleges of giving a licence of non-residence for a period of five years.

I come now to state the powers which we propose to give of applying part of the revenues of the colleges for the purpose of increasing the funds for education in the University; and this, perhaps, will be a convenient time that I should state that as some of these last provisions and those which I am about to mention require a great deal of consideration in certain cases, and in order that each college may have time to consider its Statute very carefully, we propose that there should be for a certain limited time a Commission of five persons, who shall have the power I now propose to state. In the first place, we propose that they should have the power of approving of Statutes in conformity with the proposals of this Bill—those Statutes to emanate from the University if they regard the University, and from the colleges if they regard the colleges. We propose that the power of this Commission to approve what the colleges and University propose shall last till Michaelmas Term, 1855, and that after Michaelmas Term, 1855, if the University and colleges are held not to have performed that which is expected of them—that which is within the compass, within the limits of this Bill—that then the Commissioners shall have power to enact by Statute rules in accordance with this Act, which rules, when they have been laid before the Privy Council, have been approved by Her Majesty, and have for a certain period been placed on the table of this House, shall have the force of law and be binding, as Statutes, on the University and the colleges. Such being the constitution of the Commission, it is proposed that each of the colleges shall have the power of contributing from its annual revenue any sum not exceeding one-fifth part towards the foundation or better endowment of professorships and lectureships for the instruction of the Members of the University at large; to regulate the tenure of such professorships or lectureships; to provide for the discharge of the duties thereof; to diminish the number of fellowships belonging to such college, or suspend payment of the emoluments of any of such fellowships, with a view to the foundation of such professorships or lectureships; or to the supply of pensions upon retirement therefrom of the professors or lecturers; or to the foundation of scholarships in the college; or to raising the income of the remaining fellowships to any sum not exceeding 250*l.* a year; or to the erection of new buildings for the purpose of accommodating an increased number of inmates; or to the establishment of halls, to be affiliated to such college, and the acquisition of grounds and buildings for the same. We propose, also, that they shall have various powers, to which I have already referred, with respect to the grounds of preferences, and that they may appropriate any number, not exceeding one-fourth, of the fellowships belonging to any college to the encouragement of the special studies of the schools of mathematics, natural science, or modern history, or of any other studies recognised or to be recognised by the University. These are undoubtedly very large powers, but they are powers which it is proposed to give entirely for the benefit and improvement of the University.

The remaining parts of the Bill, I think, only refer to that which I have already mentioned—the Statutes to be made by the Commissioners, and some other provisions which it is not necessary to trouble the House with at this time. I have thus gone over the proposals I have thought fit to make to the House, for a change in the constitution of the governing body of the University. That change is proposed to be made with a view to the extension of the University by the erection and maintenance of private halls, the abrogation of those oaths which are contrary to public policy and public virtue, and the abrogation of those preferences which now exist by law, and which so much limit the advantages which are to be derived from the University. I have also stated the powers we propose to give for the endowment of new professorships and the increase of the salaries and endowments of existing ones, and I cannot but believe that if a measure of this kind could pass into law, the University of Oxford would gain great advantages—I cannot but believe that the nation at large would gain great advantages from a change which would tend to bring a far larger number of young men there to share in the studies of the University, and to reap the rewards of their assiduity and learning. It is obvious, at all events, that these fellowships and the other emoluments which were intended as a reward and encouragement to learning will thereby be given to men who have qualified themselves for them, and that they will not be disposed of by abuses which it needed some measure of this kind to cure. Sir, there remains one question on which there is no provision in the Bill, but on which I shall at any time be prepared to give my vote in conformity with the opinion I have always held. I cannot think the whole purposes of the University are fulfilled while there is a test at the entrance of the University which hinders so many persons from entering it at all. I never, Sir, would consent to any measure by which the discipline of the colleges—nay, more, the conduct of religious instruction in the colleges, and the attendance of Divine worship, was in any way interfered with. But I do expect certainly that by the addition of those new halls there will be facilities which may induce Parliament not much longer to interpose the obstructions which hitherto have been interposed to the enjoyment of the benefits of those great schools by a far larger portion of Her Majesty's subjects than at present enjoy them. But though this is my opinion, I do not think it would have been wise in Her Majesty's Government to have decided on placing any proposition of the kind in the present Bill. The subject is one which divides this House; it is one which divides the other House. It is a subject that I think should be reserved for a separate measure and for a separate consideration. I certainly shall always and at any time be prepared to give my vote as I gave it twenty years ago. Then I did so in company with the present Chancellor of the University of Oxford; I fear I shall no longer give it with the sanction and countenance of such authority now. But I shall, nevertheless, still give my vote for the admission of Dissenters; but, as I have already said, that is no part of the question now before us. This measure, I think nobody will deny, is a large and comprehensive measure of reform. No one will dispute that we have not undertaken this in a narrow spirit—no one will say that we have listened to objections that we thought founded in prejudice or error. Sir, it is with the view of making these great Universities of Oxford and Cambridge worthy of the nation that we are determined, at the same time that we preserve the spirit of their generous founders, to allow the people of this country as far as possible to have the benefit intended for them, and to enjoy the advantages of a sound, religious, and liberal education.

Mr. BLACKETT said, he begged to tender his sincere thanks for the Bill generally. The noble Lord had evidently bestowed a great deal of care on his scheme for the reformation of the University of Oxford. He agreed most heartily with the sentiments expressed by the noble Lord on one part of the subject, and he deeply regretted that the noble Lord had not taken the present opportunity of giving effect to those sentiments; he alluded to the observations which had been made by the noble Lord as to the admission of Dissenters to the Universities. He (Mr. Blackett) of course had no right to speak in behalf of the Dissenting body, whose claims would no doubt be urged by advocates more immediately interested and more able to do them justice; yet, as an Oxford man, he felt bound to declare his opinion that the removal of the prohibition against Dissenters would have a most beneficial effect upon the University itself. He believed that no one could have attentively considered the causes of those evils, which had afflicted and impaired the usefulness of the University of Oxford, without feeling convinced that they were mainly attributable to the narrow, sectarian, and clerical spirit which ruled the institutions of that University. He believed that one of the most effectual plans of reforming the University would be to introduce a clause into this Bill of the noble Lord's, declaring that that splendid institution was henceforth to be the inheritance of the whole nation, and not the monopoly of a sect. With regard to the general scope of the noble Lord's Bill, so far as he could catch its provisions, he was inclined to regret that the measure proposed would not reproduce that ancient University of Oxford to which the noble Lord said we ought to recur as a model. The noble Lord's proposition to establish private halls would, of course, afford great opportunity for improvement and for cheapening the expense of education at Oxford; but he (Mr. Blackett) was convinced that those ends would never be attained unless they adopted the principle which was recommended by the Royal Commissioners, namely, that of giving permission to any person to go and reside at Oxford, and annex himself to the University, without entering into any smaller society. The only two other topics which he should touch upon were the constitution of the governing body of the University, and the provisions which the noble Lord had introduced with regard to fellowships. There could be no doubt that the alteration proposed by the noble Lord with regard to the governing body would be an immense improvement upon the close corporation which at present administers the affairs of the University; but he thought that the private tutors of Oxford, who had more influence on the youthful mind than any other class of men connected with the University, ought to have a voice in the administration of its affairs. He confessed he did not understand the provisions proposed by the noble Lord for the regulation of fellowships. Unless he had strangely misconceived the noble Lord, the restriction with regard to fellowships would not work well.

Mr. MIALL said, he had no intention,

when the noble Lord commenced his speech, to say one word to the House on this subject, but he confesssed that he had seldom passed an hour of deeper mortification, and had seldom felt more acutely a sense of humiliation, than he had felt during the speech of the noble Lord. The noble Lord had, no doubt, from its announcement, brought forward a wise Bill for the regulation of education in the great national institutions. According to the late census as to religious worship in England, it would appear that this country, religiously speaking, might be divided into three parts. There were above 5,000,000 absenters, about 5,000,000 dissenters, and above 5,000,000 members of the Establishment, three tolerably equal divisions. The national institutions of Oxford and Cambridge, he found, however, were to be improved and continued for the special and exclusive advantage of the one-third part of the people of these realms. He was not about to argue that point at the present moment, but he simply rose to enter his protest against this one-sided legislation. Whenever that House passed measures of taxation, he, as well as those 5,000,000 of people who were not connected with the Church of England, were considered as a part of the nation; but, when a measure for extending the advantages of education were discussed, he and those 5,000,000 with whom he was associated, were not considered as a part of the nation. They were not permitted to participate in those advantages. All the emoluments, honours, and benefits connected with the Universities were to be entirely kept from the 5,000,000 of Dissenters. The noble Lord had said, and, no doubt, with a sincerity of which he had given proof, that he would willingly vote for a Bill which would permit Dissenters to participate in the advantages of the Universities. Now he (Mr. Miall) conceived that no more proper time could be selected for conferring that privilege upon the Dissenting bodies than when we were passing a measure for the express purpose of improving and extending education. He hoped, however, that the Government would think better of the matter, and permit the insertion, in Committee, of a clause which would open the Universities to Dissenters. If such a clause should endanger the Bill in another place, let the responsibility of throwing out the Bill, in consequence of its containing such a clause, rest upon the Members of that other place. He did not think that such a responsibility ought to rest upon Her Majesty's Government, unless, indeed, they concurred in the exclusion of Dissenters from the national institutions of Oxford and Cambridge.

MR. WALPOLE: Sir, it is not my intention, on the present occasion, to express any positive opinions as to the provisions of the measure just introduced to our notice by the noble Lord the Member for London, except in so far as it appears to me that there are certain principles so important in themselves as well as in their consequences that they ought not to be altogether passed over in silence. The noble Lord said towards the conclusion of his speech that at any rate he had brought in a large and comprehensive measure of reform. Sir, large and comprehensive the measure undoubtedly is—large and comprehensive in the alterations which it introduces into the University and the colleges; but whether these alterations are of a reformatory character—whether these measures are to have an improving influence, remains as yet to be disclosed. Now I think, as far as I can follow the noble Lord, that there is a radical defect in the scheme of the Government with respect to their plan for the extension of education in the University of Oxford. It shows no confidence, but much distrust. I hope such a scheme will not be applied to the sister University, of which I have the honour to be a member. I conceive that, with reference to both Universities, the plan upon which the Government ought to have proceeded after receiving the Report of the Royal Commissioners would have been to have removed any inabilities existing in the Universities or in the colleges, whereby they were prevented from carrying into full execution and effect that system of education which was best for the whole country, rather than to act as they have done here by bringing to bear an external pressure and force, without consulting those who must necessarily, from their position, character, and occupations, be better acquainted than we can be with the immediate necessities and with the requisite reforms of the Universities themselves by which they may be improved. And I am all the more anxious to press this point upon the noble Lord, because the Commissioners for the University of Cambridge have, in a marked and pointed manner, drawn in their Report the attention of the Crown, and therefore of the Minister advising the Crown, to that particular subject. They say:—

"If Parliament should entertain the question of reforming the Universities and colleges, it seems to us it would be convenient to lay down in the Act of the Legislature the principle upon which such reforms shall be conducted, and to entrust the Board with temporary powers for carrying them into effect. By this means it would be possible to consider carefully the various individual and corporate interests affected, and to consult the feelings and wishes of those whose active and willing co-operation for the successful accomplishment of any such measure, however urgently demanded, were necessary to any well-matured scheme."

[The CHANCELLOR of the EXCHEQUER: Hear, hear!] My right hon. Friend the Chancellor of the Exchequer seems to cheer that conclusion, as if the principle there enunciated was contained in the measure of the Government. I own at once that if such a principle were visible in the Bill, the measure to my mind would be much less objectionable than, from the statement given of it by the noble Lord, I conceive it to be. For what do the Cambridge Commissioners say? Why, they tell you in plain and distinct terms that you must consult the feelings and the wishes of those whose active and willing co-operation is necessary if you would bring about, and in an effective manner, the successful accomplishment of your object. And persuaded I am that nothing will ever be effectually done in reference to the Universities unless you first obtain their concurrence in the changes which you seek and desire to introduce; for that which is done by force and compulsion is never so well or so completely accomplished as that which is attained through consent and unanimity. But more than that, I think there is another defect and objection, flowing from the same principle which you have here introduced. For if you place an unnecessary external force upon the Universities, remember that force may be hereafter applied to other purposes; and as I gather from the concluding observations of the noble Lord, it might be brought to bear in a manner very different from that in which it is now applied. What I mean to say is this—instead of consulting the Universities, you are judging for yourselves what is best for them—you are asking for the opinion of a fluctuating body, of a representative assembly such as the House of Commons, which, of course, may change its judgment and its character in any future year; and you are laying down a precedent which will exalt that assembly, probably against the wishes of the Universities, to make the very changes which the noble Lord is not prepared to propose, namely, to alter their system of instruction by the admission of those who dissent from their rules. The noble Lord has considered this subject under several heads. At first he commenced with the government of the University; he then went to the question whether persons should have a claim to belong to the University, although they did not belong to the colleges; then he proposed a greater extension of the professorial system, as compared with the tutorial system as it now exists; then he continued, with reference to the application of those endowments for fellowships and scholarships, which are now confined to particular localities and to particular schools; and lastly, he ended with suggesting the appropriation of college funds for University purposes. Now I wish to say a few words on each of these particulars. With reference to the constitution and government of the University, that, I think, is one of the subjects which the Government should have left to the determination of the University itself, rather than attempt to force extraneous conclusions upon it. We have no guarantee, and it cannot necessarily follow, that the plan you propose is either the plan most likely to be accepted or the best that can now be devised, nor can you yourselves feel sure that it is the plan which you will think best five years hence. Let the proposition emanate from the University itself, or at any rate let us wait to see what the University will do in the matter. In connection with this part of the subject, the noble Lord quotes a certain Statute, which said that the Charter of different colleges ought to be altered from time to time—*pro ratione temporis.* I entirely agree with that proposition, but I think, at the same time, that it is one consistent with the fundamental principle upon which in my opinion you ought to have proceeded, namely, to have removed every kind of disability and impediment from the colleges, and then have seen whether they themselves could not have made the necessary alterations *pro ratione temporis*, and that, too, with far better knowledge of their real needs than this House can possess. The Bill before us, it should be remembered, is introduced at a time when both the Universities are endeavouring to improve, as much as possible, their system of education, and they are only stopped in their praiseworthy career because of certain disabling Statutes which stand in their way, and which they would willingly invite Parliament to abolish and remove. I now come to another point; I allude to the second proposition of the noble Lord—namely, the way in which he intends to open the Universities to students who do not belong to the colleges. Now, if I remember aright, the whole of this question is very ably discussed in the Cambridge Commissioners' Report. And here I would remark there is a great difference between the two Universities of Oxford and Cambridge, for at Oxford undergraduates must reside for the most part in the colleges, whereas at Cambridge very great numbers reside in lodgings. Now, by adopting the Cambridge plan, it is quite certain that the extension of education in both Universities might be indefinite; there need be no limit to the number of scholars. And what do the Cambridge Commissioners say—they who have had experience of that plan? They say in effect, if not in words, for it is a year and a half since I read their Report:—"Do not throw the young men upon a residence outside the college, for, if you do, you will destroy the discipline of the University." I hope, therefore, the Government will well consider that part of their plan in depriving the students of that supervision, superintendence, and control, which can only be attained through the discipline of some college. The next proposition of the noble Lord has reference to the extension of the professorial system. Now, the noble Lord seems to me to have fallen into an error on this part of the subject. You do not want a greater number of professors, but a stronger inducement to young men to attend the lectures. That, however, you will never obtain, unless you attach examinations to the lectures, and unless you confer honours and prizes upon those who attend them. And even then you must remember, what we are all, perhaps, too apt to forget at the present day—you must remember that the great object of education is not to overcrowd the young mind with knowledge, or to fill it with materials which will remain a crude and undigested mass—but to train and to discipline the intellectual faculties, and the moral feelings so as to fit and qualify the youth for the active duties of after life. Well, then, it has been clearly proved that the best mode of training the mind, in a moral as well as in an intellectual point of view, is, while the mind is young and pliable, to discipline it in one or two studies of acknowledged worth, such, for instance, as the mathematics and classics; the mathematical education fixing the thoughts, perhaps, more closely than any other, and giving them a habit of accurate reasoning, clear perception, and continuous attention; while the classical education, if carried to its full extent, all but equally developes the mental and intellectual energies and powers, and directs them to the meditation of the noblest thoughts in noblest language that were ever conceived or uttered by man. Whatever, therefore, Sir, is ultimately determined for the two Universities, I, for one, most cordially and sincerely hope and trust that the mathematics and the classics will be prominent features, if not the basis, of any scheme of University education. The next point to which the noble Lord adverted was, the extension of the endowments which had been given by founders to their next of kin, to particular localities, and to particular schools. In some respects I am here, I confess, prepared to concur with the noble Lord, although my concurrence involves a qualification which I should like to mention. The noble Lord, as I understood him, does not intend to interfere with the endowments which are given to schools in connection with colleges. In this I concur, as also in the limitation, in which next of kin are to claim the benefits of endowments in their favour. For I am inclined to believe that, if the founders could have contemplated the altered circumstances of the times, they would have opened up these endowments to a greater extent; and if so, we are now only acting in accordance with the spirit which would have influenced them were they now alive. But you must not abolish these endowments indiscriminately; for if you do so, you will dry up in a great measure the inducements which people had, and still have, in making such endowments. I trust that the Bill of the noble Lord will be guarded in this respect. I gather from him that he does not mean to interfere with the endowments made within the last 100 years. Possibly a limit of that description may prevent the evils which I was anticipating from this part of the noble Lord's proposition. Let us, however, be on our guard. Let us not by legislation stop in the smallest degree these voluntary benevolences which liberal people are willing to make, not so much for the benefit of themselves, as for the benefit of succeeding generations, in order that particular localities and classes may reap the benefit of those endowments undisturbed by any forced regulation. The last point I wish to refer to is one in reference to which I confess I entertain more serious objections than I do with regard to any other—I mean the compulsory application and appropriation of college revenues to University purposes. If I understand the noble Lord correctly, he proposes to give the colleges one year's grace to alienate one-fifth of their revenues. After that year, whatever may be the demands upon them—whatever may be their wishes, or whatever the objects which they desire to accomplish—if within the space of one short year they do not alienate one-fifth of their revenues—certain Commissioners, who are to be appointed in the meantime, are to take away this portion of their revenues, and apply them to purposes entirely distinct from those for which they were originally destined. Are not the colleges to be consulted in this respect? Here is the radical defect of the Government measure. Instead of removing disabilities, the noble Lord is forcing alterations upon the colleges of the University; and who can judge whether they will be for their benefit or not? Is not this a new appropriation clause? Is it not acting against the will and wishes of the colleges? I did not wish to say much in respect to the University of Oxford, but I confess I feel strongly on this important subject. Let me call the attention of the House to the Speech from the Throne at the commencement of the Session of 1852, when Lord Derby's Government was in existence. The principle upon which they intended to proceed is there indicated. They intended to pass an enabling Bill, describing the points upon which the University and the different colleges might be empowered to alter Statutes and Charters, removing the impediments under which they laboured, and permitting them in other respects to act for themselves, not with a view of leaving them unimproved, not with a view of limiting education, but with a view of making these free and liberal institutions as largely beneficial as they could be made for the instruction and advancement of the people generally. That is the course which I should recommend.

Sir WILLIAM HEATHCOTE said, he should have been content if the Motion had passed by common consent, without observation, believing that the mere introduction of the Bill might have been safely taken as a matter of course, acquiescence in which concluded no one, and that its provisions might be discussed with more convenience when they were actually before the House. But as, in fact, a debate had arisen, entire silence might expose him to misconstruction, and be understood to imply acquiescence where he did not intend it; as, for example, in some of the observations which had fallen from his right hon. Friend (Mr. Walpole) who had just sat down, with reference to the important question whether this ought to be a compulsory, or only an enabling Bill. He confessed he thought that if they passed an enabling Bill only, they would get into a difficulty and do nothing at all, and the House would, perhaps, allow him to point out the reasons for that opinion, which were applicable particularly to Oxford, and with which the right hon. Gentleman, being himself of Cambridge, might not be so intimately acquainted. He would observe, first of all, that the Bill was divided into two distinct parts, one relating to the University and the other to the Colleges. With respect to the University the question as to whether the Bill should be enabling or compulsory did not arise; but there was a very grave prior question, and one on which he was not satisfied, namely, as to whether they ought to legislate at all, for it was quite clear that with the consent of the Crown, the University itself had power to legislate; and, if there had been a previous agreement between the Government and the University, a new constitution might have been arranged without bringing down the external force of the Government; and all that was to take place with respect to extension, all questions of form, and, in fact, all matters which concerned the University alone, might have been settled without the interposition of Parliament at all. On that part of the case there had been a most unfair obloquy cast in conversation, and by public writers, upon the governing authorities of the University at Oxford, with respect to the plan they had brought forward for amending the constitution; he did not say it was wise to delay so long as they had delayed, and in consequence of that delay, to hurry at last in the preparation and production of their measure, and thereby to cause the heavy penalty of external force to be brought to bear on the University, but when it was said that the measure of the heads of houses was in its substance entirely indefensible, was not *bonâ fide*, and was brought forward with the intention of reserving everything in their own hands, those were hardy assertions which would not bear examination, and assertions which were made with unfairness, and with no little inconsistency. He had seen one attack, which, after reflecting on the heads of houses, as so greedy of power that they would part with none, went on to state, not by way of qualification of this charge, but as if in aggravation of it, that their plan of a second board would, in fact, deprive them of it; and, therefore, that in their preference of their own plan they were making a stand for nothing. How this admission was to serve the purpose of the person who made it he did not know, but he accepted it and believed it to be true, and that in point of fact the second board, being composed of younger men and those elected, and representing the opinions of other influential persons, would by degrees have become the predominant board in legislation. But, nevertheless, it was reasonable to keep the original board also, because there were two distinct sets of functions to be performed—those of legislation, in which their failures were complained of; and those of ordinary administration, of which no complaints were made; and it was most in accordance with the practice of English legislation to make no unnecessary disturbance, no waste of legislative power in attempts to apply remedies, for the sake of a theory, where there were no evils to be got rid of. To return, however, to the point from which he had suffered himself to be diverted, in order to do justice to those who had been unfairly attacked: it was clear that in respect of the University, apart from the colleges, there was no need of any enabling Act; but, if it was necessary to legislate at all, it could only be because it was determined to leave no choice on certain steps which were absolutely required, and that could be effected only by compulsion. With respect to the colleges the case was different. They could not move unless set in motion by Imperial legislation, and the question was whether it should be enabling or compulsory. That correspondence, which had interested every one who took any interest in the subject at all, had shown how exceedingly desirous the colleges were, without exception, to improve their own Statutes, and according to the argument of his right hon. Friend (Mr. Walpole) they had nothing to do but to set them free. But how did the case really stand? At Oxford, at the present time, there were three or four colleges that had power to amend their Statutes and apply them to the existing state of things; all the rest of the nineteen colleges were bound by their Statutes, and fully half of them by such stringent oaths, that, whatever might be the enabling Statutes that House might pass, they would, in reality, be unable to do anything at all. Parliament would never arrogate to itself the power of dispensing with oaths, and if it did attempt to dispense with them the conscientious men who composed those societies would never act on such a dispensation, nor consider themselves free to set aside what they had sworn to maintain; and the measure must, therefore, be in form compulsory, and be imposed by external power, with the force of law. It need not be a hostile proceeding; but that would turn entirely upon who were to be the proposed Commissioners, and the noble Lord (Lord J. Russell) in introducing the measure had not mentioned the names. If those intended Commissioners carried out the regulations *bonâ fide* and for the benefit of the University, he thought that the mere fact of the measure being a compulsory one would not necessarily lead to the inconveniences apprehended by his right hon. Friend the Member for Midhurst. There were, however, enactments glanced at by the noble Lord about which he confessed he felt as much doubt and difficulty as his right hon. Friend or any one else; for, if the proposal were to divert from colleges funds given to them by founders for very different purposes, and to apply them to professorships, it was a proceeding upon which he should look with very great suspicion. Surely colleges, if not entitled to more protection than other charitable foundations, were at least entitled to as much, and it would be difficult to show that the founders of those colleges had anything in view appertaining to the establishment of professorships or lectureships, except in some particular cases, upon which it would seem the noble Lord had founded his argument as applicable to others. Endowed professorships were comparative novelties in Oxford, the old system there being one of instruction by any graduate; and there was only one state of things under which there could be any colour of justice for mutilating foundations —it would be if colleges resisted all attempts to extend the University beyond their limit, and chose to consider themselves as exclusively the University; in which case it might be fair to require them to provide the means for any University expense. But when the University was to be extended beyond the colleges, it would seem to be an unjustifiable diversion from their foundation, if provision was made for the wants of other than their old members; and if, moreover, these diversions were to be made in order to endow professors whose appointment would rest in the Crown or in other authorities, different from those bodies from whom the money came, it would be nothing but confiscation. He knew very well that the Houses of Lords and Commons, in conjunction with the Crown, had power absolute and despotic in its nature, that they had often passed acts of attainder and of confiscation; but those were acts of uncontrolled authority and supreme power, and not acts of legislation, properly so called—they were *privilegia*, not laws. It was not within the province of ordinary legislation to take franchises and rights from one party and transfer them to another without some forfeiture judicially declared; therefore, on that part of the Bill he looked with great suspicion and doubt. He apprehended, however, that in practice the principle was not to be extended to the length which was understood by his right hon. Friend. He understood the noble Lord to say not that one-fifth was always to be taken, but not exceeding one-fifth in any case. In some cases it might be consistent with the foundation to make such an arrangement. If the measure were carried out, as he hoped it would be, with an intention to see justice done, and if colleges showed that they had wants of their own, and that the funds would be more rightfully and properly applied in carrying out the intention of the founders, he did not apprehend, from what fell from the noble Lord, there would be an absolute sentence given against them. [Lord J. RUSSELL: Hear, hear!] That view materially affected the argument, and it might be that in practice it would turn out different from what was first imagined. From his imperfect knowledge of the Bill at present he would not say more; but he thought that no friend to the University, though bound to watch it cautiously, should endeavour to meet it with obstructions, and he trusted, from the tone of the noble Lord's remarks, that there would be a disposition on the part of the Government to give effect to any fair objection that might arise in the course of the discussion. In that case he was not without a hope that the result of the measure would be to give increased power to the University to do good—to give her that expansiveness which she required—to enable her to get hold of the youth of the country, who had, to a lamentable extent, escaped from her influence, not only in the active professions, but even in the learned professions, of which she was at one time the sole nursery. Anything which would restore her to that position, and enlarge her influence, would, he thought, be worthy of a great effort and of no little sacrifice.

MR. ROUNDELL PALMER said, that although this was not the time to enter into a full discussion on the measure, it was a convenient opportunity to make a few observations upon its principles which might be useful for the further prosecution and eventual satisfactory settlement of the question. Considering the exceedingly good tone which appeared to prevail on both sides of the House, he was sure it would be received by the University as an earnest of the disposition of the Legislature to consider their true interests as well as those of the country. He fully concurred in the opinion expressed by the hon. Member for the University of Oxford (Sir W. Heathcote), that any Bill introduced on this subject must, to a certain extent, be a compulsory one. With respect to colleges, he was, for particular reasons, less able to express himself freely than his hon. Friend; but with reference to the University, he thought it was practically necessary to legislate compulsorily, and the reason was obvious—they could do nothing without first settling where the power of self-legislation within the University should for the future reside. In the University of Oxford there existed a form of government which vested the whole power in a certain body; of that body he desired to speak with the utmost respect, feeling quite sure that its members had the most upright intentions in all they did; but it was utterly impossible that that body should not exercise the powers which belonged to it according to its own views. The plain matter of fact was that the University could not stir one single step in the direction of any legislation concerning its interests, unless that legislation had previously approved itself to the gentlemen of the present governing body; and unless, therefore, that House was content to leave the control and veto over the whole course of legislation in the hands of that body, this, or any other particular measure, which might be thought necessary for its improvement and extension, could not take effect unless it were compulsory; and, even if all questions of detail should be left to be decided at Oxford, the question, what governing body ought to exist in Oxford, could not be so decided. He was not going to criticise the proposal made that day; it was sufficient to say, that Her Majesty's Government had had before them a great variety of plans on an extremely difficult subject, and had framed a scheme which they thought would prove advantageous. Assuming that scheme to be a good one, the University, as now constituted, could not adopt it, unless it were first approved of by the Hebdomadal Board; and it was manifest that they differed from it. He was of opinion, therefore, with respect to the University quite as much as the colleges, that some compulsory legislation was required; and it did seem to him that the Government, in dealing with the subject, had shown abundant proof of its desire to proceed with due consideration and regard to the independence of the University and to the principles of self-government to the utmost practicable extent, and that it had given ample time for the collection of information, and of the opinions of persons competent to form them on the subject both within and without the walls of the University. It would be an error to suppose that the Government had not been greatly influenced by the useful and valuable labours of those gentlemen within the walls of the University who had been employed in devising such suggestions and recommendations as they thought best. It must have struck every one that there had been a universal concurrence of opinion, both within and without the walls of the University, as to the necessity of introducing extensive improvements, more especially with reference to the present system of government. With respect to the plan which was now proposed, as far as he had been able to collect, it did appear that a great deal of pains had been taken to combine some of the best features of the various plans proposed by different persons; whether it was a perfect scheme or not, it was not now the time to consider. The principle of the plan seemed to be a representative government of the University, giving a large share of the representation to the teaching body and to the heads of houses, and at the same time giving to the resident members of the University their fair share of power; he thought, so far, that the proposition was entitled to their favourable reception, and that, after further consideration, the measure might be very likely to approve itself, equally to the House, the University, and the country.

With respect to the second main topic of the Bill, which proposed the extension of the University, he thought the right hon. Member for Midhurst (Mr. Walpole) did not exactly apprehend the true nature of the provisions. His right hon. Friend made some remarks in which no one could more cordially concur than himself, with reference to the indispensable necessity, whatever they did by way of extension, of paying regard to moral discipline, and not allowing themselves to be led by any desire of opening the door wide, to introduce a lax system, which might destroy all the useful objects contemplated by the measure, render the residence of students a source of evil rather than of good, and in all probability prevent that diminution of expense upon which the public so greatly relied, and in the end destroy the great object of extending the advantages of the University to a much larger proportion, than at present, of the youth of the country. Nothing would satisfy the people, but a cheap, and good, and moral training. Then, what was the system proposed by this Bill? Instead of being a system affording less security for sound moral discipline than the system of lodging now prevailing in Cambridge, and, to some extent, at Oxford also, it was a system which afforded infinitely greater security. And he would explain why. At present, youths at Oxford, at the beginning and end of their University course, and at Cambridge throughout their University course, were allowed to reside in lodgings, subject to such collegiate discipline as might radiate from the colleges to the various lodging-houses. This system was exposed to two defects. In the first place it was very hard to make that discipline compulsory on youths not resident within the walls; and, in the next place, even if they were within the walls, it was difficult to maintain so high and stringent a discipline as the authorities would desire, if they had the power, on account of the aristocratic notions and lavish expenditure which frequently prevailed. But the Government system, as he understood it, provided that there should be in every lodging-house in which the students were collected and resided, a responsible master of arts, a senior member of the University, licensed for that purpose, who should undertake the care of their moral and religious discipline, be responsible to the authorities of the University for the due discharge of those duties, and be removable if he neglected them. The measure, in this respect, was, in his opinion, more obnoxious to the criticism of the hon. Member for Newcastle (Mr. Blackett) than to that of his right hon. Friend (Mr. Walpole). But even the criticism of the hon. Member for Newcastle he looked upon as equally unfounded. The hon. Member said a student should be allowed to live wherever he pleased. Now, that was plausible at first sight, but would not answer in the end. What class of students would be most anxious to avail themselves of this privilege? Why, the rich, the dissolute—those who wanted to free themselves from restraint, those who disliked discipline for discipline's sake—and not the poor, the frugal, and the real students and searchers after knowledge. Within these lodging-houses, kept by masters of arts, you would be enabled to accommodate the system of each hall to the wants of the class which frequented it, while, by having a common table upon moderate terms, by not allowing needless expenditure within the walls, by establishing strict regularity in regard to keeping proper hours, you would cut off all that extravagance which now usually arose within the walls of a college as well as in lodging-houses. The whole system proposed would be infinitely preferable to the present system of lodging in the Universities.

There was one other subject on which he would wish to say a few words, namely, that of oaths. He had himself, at a former period of his life, had to take oaths of a very stringent character in the college to which he belonged; and it certainly almost appeared to him as though the oaths, in many cases, were framed with the intention of pursuing the person who took them into all the subsequent relations of life. Such a person would, in his judgment, do wisely to act with the greatest caution under such circumstances as the present. He must confirm what the hon. Baronet (Sir W. Heathcote) had stated, that it was manifest these colleges could not, of themselves, do anything in the way of changes involving a departure from their Statutes, which Parliament might require of them, even if an enabling Statute were passed; and therefore, if Parliament thought it right to exercise its power, that power could not be exercised except compulsorily in the manner proposed by this Bill. He (Mr. R. Palmer) took the liberty of saying that he recognised with satisfaction the disposition evinced in this Bill to regard the spirit of the founders' intentions; and, without at all saying how far he thought the details of the Bill were sufficiently in conformity with those intentions, he could not help expressing his concurrence with the principle laid down, that, at all events, the general spirit of the founders' views ought to be respected. This was not, in his opinion, an unfit occasion to bear some testimony to the great merits of these founders of colleges. There were, he believed, no institutions in the country, except our churches and the general institutions connected with the Church, more ancient than these, and none which had been the source of greater benefits to the people. But for them the higher education of the country would have languished for centuries; and, if that had taken place, it was impossible to say what the country might have suffered either in its constitutional liberties, most of which were developed after the origin of these institutions, or in respect of its education or civilisation. Whatever might have been the points of detail on which the founders of these institutions erred, they ought to be honoured and revered for having contemplated great and beneficent designs which had been of the utmost value to the country. And as there was one subject on which the colleges had been much misrepresented, he would just refer to it—he meant that connected with the change which had taken place in religion. If there was any one point on which he was convinced, it was this—that the founders had in view, in a large and truly liberal sense, the maintenance of sound learning and sound religion. Of course they professed their religion according to the circumstances of the Church at the time in which they lived, but it was not to maintain the sectarian or special tenets of that particular condition of the Church, but to maintain the true interests of religion, that they founded these institutions. He might quote the founder of his own college, William of Waynflete, as an example, who stated that his main object was—

> "The exaltation of the Christian faith, the advancement of the Church, the increase of Divine worship, and the liberal arts, sciences, and faculties,"

And—

> "That the knowledge of Holy Scripture, which was the mother and mistress of all the sciences, should be more widely spread."

That sentence from a bishop of the Church of England in the time of Henry VI. showed that the minds of some, at least, of these founders rose far above mere Roman Catholic feelings; and if their views were to be judged of in this spirit, as he believed they might, it was not to be supposed that since the Reformation there had been an essential departure from the intentions of those founders only because the Church of England had thought it right to relinquish some of the tenets and practices which generally prevailed at that time. Leaving this point, he would remind the House that the noble Lord (Lord J. Russell) had stated two things—one, that he was desirous of removing the religious test imposed upon students at Oxford, and the other, that he should be desirous of so doing it as not to interfere with the religious education which formed the base of the system as it was now conducted in the Universities; and reference had been made to the system adopted in this respect at Cambridge, and to the propriety of assimilating the two systems. Now, it did not appear to him that this would be so large an extension of the University of Oxford to Dissenters as some imagined; and whether it were worth while to make that particular change for the sake of so small a benefit as would be conferred, he left to those who were the advocates of that change to determine. He was not one of those advocates, and that not because he entertained the least particle of sectarian feeling as regarded Dissenters. Nothing would give him greater satisfaction than to see Dissenters and Churchmen living together, and prosecuting their studies together at the University; but, at the same time, knowing the strong feeling of individuals on the subject of religion, knowing the strong religious jealousies which existed, the objection to proselytism, and the zeal on the part of individuals for the tenets which they believed to be true, he did not see how it was possible to maintain the supremacy of the established form of religion—to maintain the mode of worship and instruction to which the noble Lord referred, and at the same time to satisfy the views of those who would, of course, require that nothing should be done which would have the effect of withdrawing their children from one community to another. It was not, therefore, from any jealousy with regard to the presence of Dissenters that he should feel bound to oppose the removal of the existing tests, but it was with a view to maintain that mode of religious instruction and those religious principles in the University which he thought ought to be the object of every statesman desirous of preserving the national Church, and of every member of that Church in his individual character. But the hon. Member for Rochdale (Mr. Miall) contended that the University being a national institution, should include and admit all Dissenters. Well, the hon. Member was quite consistent in that opinion, because he was one of those who wished to abolish the national Church. That, however, was not the principle of the present Bill, and was not the law or the policy of this country. We possessed a national Church; and, that being so, there was no inconsistency in saying that a nation which had a national Church might also have national Universities in which the instruction given should be in accordance with the religion of that Church. If that could be done, and if, at the same time, the children of Dissenters could come and partake of the advantages which those Universities afforded, he should be most happy to see them do so. If they were willing to accept instruction upon those terms, and only desired that the religious element, which formed the basis of the educational system there, should not be applied in any manner unnecessarily offensive to them, let it be so; but he could not, as a citizen of the State, or as a member of the Church of England, consent to the proposition that, for the sake of making the University include the children of Dissenters, it should be stripped of that which was its greatest boast and ornament—its connection with the Church of England and the religious principle which governed it.

Mr. WIGRAM said the hon. Baronet the Member for the University of Oxford (Sir W. Heathcote) had made a suggestion which was well worthy the attention of the House. It referred to the constitution of the governing body of the University, and whether in truth the compulsory interference proposed by the Bill of the noble Lord was really necessary. That suggestion the hon. and learned Member for Plymouth (Mr. R. Palmer) had met by an argument to which he (Mr. Wigram) would address himself for a few moments. The hon. and learned Member stated that, without the concurrence of the Hebdomadal Board at Oxford, it was impossible for the governing body there to effect any reform of the University, unless the Legislature interfered compulsorily. Doubtless there was an appearance of truth about that argument; but it was an argument which was merely popular, and, in fact, was delusive. The question was altogether a practical one, and he would test what might be done by what had already been done at the sister University of Cambridge. It was impossible to have a governing body which by its constitution had greater powers of excluding any change than that at Cambridge. Practically the governing body there consisted of a *caput* of five, any one of whom had an absolute veto upon whatever measure might be passed through the senate. But what had taken place? Why, upon reviewing the expediency of reconstituting the governing body at Cambridge, the authorities themselves had framed a constitution which proposed to abolish the existing *caput*. They had framed a scheme of government that very much resembled in substance that which the noble Lord proposed by his Bill to introduce at Oxford. In spirit it was the same, though not entirely in its details; and that scheme, which had passed both houses of the senate, had received the unanimous assent of the *caput*, and at this moment only awaited the approval of the Crown. It deserved consideration, therefore, whether this part of the plan of the Bill might not be met by a scheme proposed with the concurrence of the existing governing body at Oxford, receiving also the sanction of the Crown, and thus rendering the compulsory interference of Parliament altogether unnecessary. There were only two other points to which he (Mr. Wigram) would refer. The two most important objects which were aimed at by the Bill seemed to be, first, the establishment in the University of private halls; and secondly, the new appropriation of the collegiate revenues. With regard to the first of these points, the establishment of private halls, he concurred with the hon. and learned Member for Plymouth, that there was no reason to apprehend that by the establishment of private halls the discipline of the University would of necessity suffer; but these institutions might involve some objections. The object of establishing such private halls was, as he understood it, that a cheaper education might be given to those who, it was supposed, could not afford to go to the larger colleges. Now he (Mr. Wigram) knew very little about the expenses of the colleges at Oxford; but he was persuaded that the necessary expenses of a collegiate education at the sister University of Cambridge were not greater than those which would necessarily be incurred in one of those private halls; and it deserved the consideration of the House, in dealing with this part of the scheme, whether they would be prepared to institute in the Universities private halls, where there was too much reason to apprehend that the poorer students would be altogether separated and become a distinct class from the wealthier students. He had hitherto viewed it as one of the chief advantages of our Universities that there the distinctions of class were abolished as much as at public schools, and rich and poor mixed together very much on a footing of equality. The scheme of the noble Lord was attended with this probable result, that the poorer class of students would probably be confined to halls, whilst the richer students would go into the colleges of the University; thus separating one class from the other in a manner which to him would be open to considerable objection. With regard to the other point, namely, the appropriation of the collegiate revenues, he would say only a few words, because, as he understood the views expressed by the noble Lord, what he proposed to do in that respect was to be in furtherance of the objects of the original founders. That must necessarily be a matter of detail, and it would be for the House to see whether the noble Lord's proposal carried into effect that view or not. If, on looking at the foundation of a college, they found that the measure did further the objects contemplated by the original founder, then, of course, it would be worthy of adoption; but if it appeared that any of those rights of property which had hitherto been respected in those foundations were to be interfered with, he, for one, would not consent to give his support to a measure of that kind. That, however, he did not understand, from what the noble Lord had stated, to be his object. The noble Lord had declared that the object he had in view was to further the original intentions of the founders of the colleges, and not to interfere with them. But this was a portion of the scheme which must be considered when the House came to the discussion of its details. In conclusion, he begged to say that he was anxious to give his best consideration to the details of the Bill, and to support those of its provisions which were calculated to promote the real good of the University; but he should strenuously oppose anything which tended to interfere with the original intentions of the founders, or with those rights of property which it ought to be the great object of the Legislature of this country to maintain inviolate.

MR. HEYWOOD said, he considered that the country was much indebted to the noble Lord the Member for the City of London (Lord J. Russell), and to the right hon. Gentleman the Chancellor of the Exchequer, for the attention which they had paid to the subject of University reform, which had resulted in the production of the present measure. The most valuable part of that measure was, in his opinion, the appointment of the five Commissioners, and the extensive powers which were conferred upon them. The colleges were of a strictly monastic character, and might, in his (Mr. Heywood's) opinion, fairly come within the inquiry of the Committee proposed by the hon. and learned Member for Hertford (Mr. T. Chambers). In the fourteenth century no seat of learning was more free than Oxford, but after the preaching of Wickliffe, a persecution was carried on to exclude Lollardism, and, as the best means of doing this, there was a sort of monopoly of power established in the colleges, an example which was in course of time imitated by the Protestants. He had no objection to the establishment of private halls, but he thought that the better plan would be to open the colleges, and that we should take care lest the private halls should be converted into monasteries. The University of Oxford controlled the education of the higher classes all over the country, and the state of religious liberty which prevailed there was, therefore, of the greatest national interest. It was on this account that he much regretted the Government had not included in their measure a clause for enlarging the boundaries of the University with regard to the admission of other parties not members of the Church of England. A civilised person would hardly believe that a student had at matriculation to sign Thirty-nine Articles which he had, perhaps, never seen or heard of before, and which he probably knew nothing about, except that his clergyman believed in them, and, possibly, some members of his family also. The great objection, however, appeared to him to be in the subsequent part of the career of a student at Oxford. Every student was compelled to learn by heart the Thirty-nine Articles, and to be able to prove them from Scripture, and it was entirely out of the question that Dissenters should be placed under such a regulation. There was, however, no reason why the system of the Church of England might not be carried out in its full integrity in the case of those persons who were intended in after life to take holy orders. There was another test to which allusion had not been made, and which he considered to be ill founded. At Oxford, every person admitted to the degree of Bachelor of Arts was compelled to subscribe the Three Articles of the Thirty-sixth Canon, including the Thirty-nine Articles of Belief; and this, he considered, to be objectionable, because from the age at which a young man graduated, generally when about twenty-one or twenty-two years old, it could not be supposed that he had devoted any very considerable amount of study to these subjects. These tests were sometimes defended on the ground of preserving a high standard of morality, but he did not believe that the standard of morality in the English Universities was at all higher than that of the Universities in Germany and the United States of America, where no such tests were imposed. There was another point to which he wished to allude, and which he considered to be of considerable importance. He believed that one great error in the University system of this country was the compulsory celibacy of the Fellows of Colleges, and that it was desirable to abolish such a restriction. It was his anxious desire that the University of Oxford, which, with all its faults, was one of the most magnificent institutions ever founded, should enjoy the confidence of the whole body of the people of this country; and, in order that it might do so, it became the duty of Parliament, as they possessed the power, to control the present system, and to compel the Universities and the various colleges to adopt a better course of instruction than at present obtained. With regard to the extension of the system of education to the study of modern languages, it was melancholy to observe the occasional ignorance of modern languages among Oxford and Cambridge men; and, indeed, he believed that, in the mercantile community, there existed a greater amount of knowledge upon modern subjects than among those persons who had had the advantage of an education at the old Universities. He was gratified to hear that the subject of the endowment of colleges was to receive attention, and, also, that measures were to be taken for the foundation of new professorships. College fellowships were objects of ambition to the youth of all the public schools and of most of the large schools in the country, and the education of boys intended for the University was almost entirely devoted to enabling a portion of them to compete for, and, if possible, obtain a fellowship. It was a very great step for the Government to have brought in this Bill, as the subject of the constitutional reform of Oxford has not been mooted in Parliament since the Long Parliament, the time of Oliver Cromwell, and the Act of Uniformity. So strongly, however, did he feel on the subject of the exclusions from the University of Oxford, that when this measure was in Committee he should move to insert in it a clause to open the matriculation and graduation of students at that University to the whole British people. He should have been glad if the Government had taken that part of the question into their hands, but as he did not feel satisfied that it was a subject which ought to be dealt with by a separate Bill, he should, when the opportunity arrived, move a clause which would do away with restrictions which he deemed to be not only useless, but injurious.

Mr. HENLEY said, that the fact of the University of Oxford educating a large proportion of the clergy and an influential class of the laymen of this country rendered him the more anxious respecting the present measure; and he could not say that he felt less anxiety upon the subject after hearing the remarks which had just fallen from the hon. Member who had just resumed his seat. For his part, he thought Parliament should take care to preserve the University as—what it was now to a great degree—an engine for diffusing sound religious education and useful learning amongst the people, and that they should not reduce it to the level of an institution that was to suit everybody's religious sentiments and convictions, by making it what the hon. Gentleman (Mr. Heywood) by his proposed clause wished to make it, and which, no doubt, the hon. Member had received a cordial invitation from the Government to try to make it. [Mr. Heywood: No, no!] However, after what the noble Lord had stated, and he must say he had never heard a more direct invitation—considering the course which the hon. Member had hitherto taken upon the question of University reform—he must confess he did not wonder at the announcement just made by the hon. Member, that he would endeavour to do that which must necessarily lead to the adoption of one broad system of infidelity. ["Oh, oh!"] Hon. Gentlemen appeared to dissent from that opinion. Let them not run away with the idea that he (Mr. Henley) was one of those, and some of them were then sitting on the benches opposite (the ministerial benches), who applied the name of infidel to the man who dissented from him in religious opinions. Do not let them run off with any such notion as that. Nothing of that kind could be imputed to him. But this he did say, if, within the walls of the same institution, a half dozen or a dozen systems of religious teaching were carried on, then very great confusion must arise in the minds of the young men, that confusion must necessarily produce indifference, and indifference would eventually beget infidelity. He did not hesitate to assert that a single instance could not be cited of such a practice existing without infidelity making wide and rapid progress at the same time. With regard to the measure under consideration, he should decline expressing any distinct or decided opinion upon it until he had had an opportunity of examining its provisions. He could not, however, shut his eyes to some of the circumstances under which the measure had been presented to the House, nor to what had taken place on previous occasions. Twice had the hon. Member for North Lancashire (Mr. Heywood) brought a measure connected with University reform before that House. Some years ago the hon. Member's proposition was for the direct admission of Dissenters to the Universities. In 1850 it was a measure of a more general nature, which a late Member of this House (Sir Robert Harry Inglis) termed a Bill of indictment against the Universities, and the noble Lord objected to the counts of that indictment, and said he would issue no Commission upon such grounds. That was followed up by a letter which the noble Lord (Lord J. Russell) addressed to the late Chancellor of the University of Oxford, the Duke of Wellington. In that letter, announcing the appointment of the Commission, the noble Lord assured his Grace the Chancellor that the Commissioners were to report—

> "Whether any measures can be adopted by the Crown or Parliament by which the interests of religion and sound learning may be promoted in the conduct of education in the said University."

In the same letter the noble Lord was also pleased to declare that—

> "The object of the Commission is not to interfere with these changes, but to facilitate their progress, not to reverse the decisions of the University, *ab extra*, but to bring the aid of the Crown, or if necessary, of Parliament, to assist in their completion."

But when he came to the Commission issued by the noble Lord, not a single word did he find in it which required the Commissioners to report their opinion as to what was requisite for the promotion of religion. Their inquiries were to be confined wholly to the subject of education in the University. It was not a matter of surprise to him, therefore, that throughout the 260 pages of that remarkable Report—remarkable, he must say, in more senses than one —the question of religious education was scarcely touched upon. True, he could not say it was not touched upon at all, but it was as nearly as possible not at all. Something was said about theology; but need he say that theology and the promotion of religious education were not precisely one and the same thing—that there was, indeed, the most essential difference between the two? The Commissioners, of course, wound up their Report with what might have been expected from them, considering the nature of the Commission which was sent to them. They said—

> "Our object has been to lay such proposals before your Majesty as we believe to be calculated to place the University of Oxford at the head of the education of the country; to make its great resources more effectually serve their high purposes, and to render its professors fit representatives of the learning and the intellect of England."

Now, the Bill of the noble Lord, so far as he (Mr. Henley) could get at its objects, did in so many respects follow the recommendations of the Commissioners that it was hardly possible to separate them in one's mind. No one who had paid any attention to the Report of the Commissioners could fail to see that in all its leading and most important particulars the Bill closely followed those recommendations; and he must say that he agreed very much with what had been stated by a gentleman of no inconsiderable eminence in the University —he meant Mr. Hussey—that if this Bill were carried, it must necessarily separate the education of the University from the Church. ["Hear, hear!"] He (Mr. Henley) might be wrong, but so far as he could gather from the noble Lord's statement of the objects of the Bill, he thought that must be the case. As he understood the noble Lord's observations, also, the Commissioners did not lay down anywhere what they conceived to be the object of the education that the University was to perfect and complete. The noble Lord, indeed, touched upon the question whether the University education, as at present conducted, was or was not carried too far in a preliminary direction. That was to say, the noble Lord thought, if he (Mr. Henley) caught his meaning correctly, that one of two great changes, or both, should take place; either that the preliminary education of persons who were to become members of a profession should cease sooner, or those persons should acquire the whole of their professional education at the University, whilst those who were not intended for a profession would get, in addition to their preliminary education, a smattering of knowledge in some or in all the sciences, so as to stand on a par with persons of intelligence whom they might encounter in after life. That opened up an enormous question, which had been ably treated by Dr. Pusey, in the letter already referred to by the noble Lord. That great authority had laid down certain propositions with regard to education, which he (Mr. Henley) doubted not would be much more in accordance with the general feeling and requirements of the country than the measure propounded by the noble Lord that night. The principle there laid down was, that by forcing persons to work themselves in order to acquire knowledge, the tutorial system, as it was termed, had the effect of training the mind, and giving it a strength and power which enabled it to apply itself more profitably to any subject it might have to deal with in after life; that it laid the foundation of sounder information than could be obtained by persons who merely attended lectures, from which they could derive nothing more than a smattering of knowledge, at little cost or trouble to themselves; and that the latter system could not ensure the attainment of so much success in the future as the tutorial system which was now in force. The noble Lord had commented somewhat unjustly on what was said by Dr. Pusey with regard to one system or the other being likely to introduce rationalism or infidelity.

The noble Lord must concede to him that the professorial system of Germany had not been able to resist the infidelity which sprung up at the latter end of the last century in various parts of Europe—that the professorial system of Germany had been powerless to resist that infidelity, if it had not absolutely fostered and created it; whereas the system pursued in this country had offered a successful resistance, on which account he (Mr. Henley) believed it to be a sounder and a better system. Regarding the Universities as the teachers of the people, and the teachers of those who, as the hon. Member for North Lancashire truly said, exercised influence over the affairs of the nation, it was of the utmost consequence that the system to be pursued should not only produce the greatest amount of good in itself, but also be able to resist the greatest amount of evil. With respect to the details of the Bill, and particularly as to the forcible change in the constitution of the governing body of the University, no notice had been taken by the noble Lord of what were to be the powers of convocation. The governing body in the University—the heads of houses—at present initiated measures, but those measures did not become the law of the University except by an Act of Convocation. Now, he had not succeeded in collecting what the noble Lord meant to do with convocation, and whether their powers were to be wholly abrogated or not. The noble Lord merely proposed to substitute another body in the place of the heads of houses; but whether convocation was to remain unchanged or not, the noble Lord did not say. That was of course a material feature in the case, because convocation was not a body so subject to change and the passing influences of the day as the resident body of the University. The resident body, especially the younger portion of it, was, from a variety of circumstances, subject to great, sudden, and capricious changes. Convocation, being composed of men of all ages, spread over the face of the country, was not so liable to change. It was a matter of great importance, therefore, to know how far, and to what degree, that part of the constitution of the University was altered by the noble Lord's Bill.

Lord JOHN RUSSELL was understood to intimate that he did not propose to interfere with the power of convocation.

Mr. HENLEY: That made a very material difference. He believed it was not so understood before. On the contrary, it appeared as if the noble Lord's measure left the government of the University in the other body; whereas that body was to be subjected to control on the part of convocation. He (Mr. Henley) could not ascertain whether the noble Lord adopted the recommendation of the Commissioners as regarded the professors. It was a most important part of the scheme which they proposed. The Commissioners recommended that professors of any country and of every creed should be appointed, subject to no regulation except one, which he (Mr. Henley) intended subsequently to mention. The noble Lord did not say whether or not the professors under his Bill were to be of the same kind. He (Mr. Henley) would be glad to learn that fact, and so, he was satisfied, would the House. Assuming, however, that such were to be the provisions of the Bill, the Commissioners proposed, as well as the noble Lord, to take a part of the revenues of the colleges for the maintenance of these professorships. The revenues of these colleges, however, were unquestionably given for the maintenance of religion, that was incontestably proved by his hon. and learned Friend the Member for Plymouth (Mr. R. Palmer), and no one could agree more thoroughly with the principle which that hon. Member laid down than he (Mr. Henley)—namely, that because the country had chosen to throw off certain abuses, it was not to continue to maintain the same Christianity as was professed at all periods. These foundations were given by pious persons in past times for the maintenance of sound religion and useful learning—so ran the old phrase, though it was sadly cut down of late; but the Commissioners proposed to give one-fifth of the revenues of the colleges to professors, who might be Jews or Infidels, or Turks, or anything else. It was true the Commissioners recommended one system of regulation, which was remarkable as being the same that the Government imposed on the schoolmasters of the national schools—namely, that they should teach nothing adverse to the Christian religion. That was the only regulation which a Commission, consisting of a bishop, dean, a head of a house, a lawyer, and a clergyman, proposed to impose on these professors. These professors, however, were to be the means by which additional knowledge was to be imparted, and by which additional scholars were to be obtained. The noble

Lord's proposition differed in respect of the mode of extension of his system from that of the Commissioners; his plan was to be more in the nature of halls as now established than in that of colleges. Nobody could object to as great a number of halls as could be filled with scholars; but how these halls were to afford cheaper education than the existing colleges, without which element they were unnecessary, he (Mr. Henley) could not at all understand. The colleges, as at present established, were provided with chapels and chaplains, and all requisite means of exercising a religious influence as well as a moral control over the students. The noble Lord did not of course mean to bring numbers of these young men together without adequate provision for their spiritual instruction and moral guidance. The Commissioners, however, ignored that point altogether, though these young men would be exposed to the greatest temptation at a time of life when it was of first-rate importance to surround them with religious and moral influences, to induce them both by example and precept to act rightly, and so to lead them on to the source of all good. If the halls proposed by the noble Lord were to be provided with places of religious worship, and the other necessary adjuncts on these circumstances—such as rooms for taking meals and places to lodge in—any person of the least experience in the cost of building diocesan training schools, which the House should remember were for pupils of a far more humble sphere than those who frequented the University, must know it would be utterly impossible for these halls to compete in point of cheapness with the present colleges. With respect to what had been said of permitting students to lodge out, he doubted very much if the experience of persons lodging out of college would bear out the system of the noble Lord. He (Mr. Henley) could not speak from personal experience, but he had heard the members for the University of Cambridge say that persons so lodging out were the objects of more strict supervision than those who lodged in the colleges; and that the lodging-house keepers were as much spies upon their conduct, on the part of the governing bodies, as the men who kept the college gates. Under these circumstances he (Mr. Henley) much doubted that the cheapness proposed by the plan of the noble Lord would be realised. With regard to the question of interference with the privileges and property of the colleges, that was a very serious question, and it was all the more so when its extent came to be considered. Expediency was a very tempting phrase, a very convenient one when the end proposed was to lay hold of other men's property. But how did the noble Lord propose to deal with the property of the colleges? The noble Lord proposed to take not only one-fifth of their revenues, to be applied to purposes not consistent with their constitution, but he proposed also to apply a further portion of these revenues to other purposes equally not contemplated by the founders of the colleges. The noble Lord also said, that of the three prescriptions which now existed as to the admission of fellows, he proposed to do away with two, and to preserve one. He would not do away, he stated, the prescription which gave certain schools advantages in that respect, but he would do away altogether with the prescription as regarded counties. The only arguments, however, of any force for doing away with any of these prescriptions—and it was that adopted by several of the colleges themselves—was, that by so abolishing them a larger field would be opened for better men to be selected from. But how could the noble Lord suppose that a school which gave two candidates only, for instance, would offer the same field as a county—as Yorkshire for instance? If the county prescription, or the national prescription, was to be done away with, how then could the noble Lord propose to confine it to a school? He would, in connection with this point, ask if foreigners were to be admitted. That was the first question, and the House had a right to know it. Were inhabitants of the colonies to be admitted? Were natives of Ireland and of Scotland to be admitted? These were all questions on which information was required when the subject at issue was the breaking down of prescription. Looking at the measure as a whole, and coupling it with the noble Lord's concluding observation, followed up by the notice given by the hon. Member for North Lancashire to move in Committee that Dissenters should be admitted to the University, he (Mr. Henley) could not but regard it with great apprehensions as a change which ere long would inevitably disconnect the Church of England as a teacher from the University. Hearing the hon. Member give notice of moving the admission of Dissenters in Committee on the Bill, and state that he would call on the Government to support it he (Mr. Henley) could not but conclude that it was the intention and object of the Government, in spite even of the right hon. Gentleman opposite the Chancellor of the Exchequer, by a necessary consequence of their own proposition, to set up in the University a number of independent halls, which might be Roman Catholic, Wesleyan, Presbyterian, or any other form of Christianity. He believed this to be the inevitable consequence of the plan proposed, and he believed, therefore, that it would, in causing the destruction of all religious education for youths, have the worst effect upon the future fortunes and prosperity of this country.

THE CHANCELLOR OF THE EXCHEQUER: Sir, on my own behalf, and, I am quite sure, on the part of my noble Friend (Lord J. Russell) and Her Majesty's Government, I venture to express my satisfaction and my thankfulness with regard to the manner in which this important measure has been received by the House. The tone of the speeches which have been made to-night satisfies me that this subject will have the advantage of a dispassionate and impartial consideration. We have heard two Gentlemen express their sentiments, who occupy prominent positions in what is called Her Majesty's Opposition; but I am bound to say that neither in the speeches of those Gentlemen, nor in any of the speeches which have proceeded from any other quarter, can I trace the slightest disposition to deal with this question as a question of mere party politics. I am confident, Sir, that whatever good can accrue to any one (and I know of no good that can accrue to any one) from mixing up the University of Oxford with the struggles and the contests of party, nothing but unmixed evil can result to the University from the adoption of such a course. Sir, various questions of detail have been mooted in the course of this discussion, and particularly by the right hon. Gentleman who has just sat down; and I am sure that he will excuse me if I do not endeavour to follow him upon those questions of detail, because this is eminently a subject on which I think it is desirable that the House should suspend its judgment with regard to all those matters until each Member holds a copy of the Bill in his hands. The structure of this ancient University is so curious and complex, it has so much of history and tradition within itself, and such infinite variety and diversity attached to it, that it is impossible to deal with all its interests justly and considerately, and at the same time to do it in a few general and sweeping clauses. It was, therefore, necessary, in framing this Bill, to endeavour to adapt it in some degree to this extraordinary diversity—thus rendering unavoidable a deviation from that simplicity of form and paucity of provisions in which it is abstractedly desirable that every measure should appear before this House. On this account, and on account of the bearings which the different provisions have upon one another, I hope hon. Gentlemen will consent to wait, for the few hours that must elapse before the Bill will be in their hands, with regard to matters of detail.

But several questions have been touched upon that are questions of principle, and to these I wish to advert for a few moments. I will refer to the first of them, merely for the purpose of explaining why I prefer to postpone its discussion, for my own part, to a future period. I mean the important question raised by the hon. Member for Rochdale (Mr. Miall), which has since been discussed with great ability by the hon. and learned Member for Plymouth (Mr. R. Palmer), and to which the right hon. Gentleman opposite (Mr. Henley) just adverted with a serious earnestness and a concern for the interests of the Universities which everybody must respect: I mean the important subject of the admission of Dissenters to the University. Now the hon. Member for North Lancashire (Mr. Heywood) has given notice, in the course of this debate, that he will take an opportunity, when this Bill goes into Committee, of moving a clause on this subject. Well, Sir, I shall, with the permission of the House, reserve myself till the hon. Member proposes his clause, when I shall be prepared to state, I hope clearly, the reasons which will induce me to meet his intended clause with a negative. For the present, then, I pass on to other questions of great importance. One of these questions is the alleged interference with the independence of the University; and another is the alleged abstraction of a portion of the property of the colleges. Now, as regards the question of interference with the independence of the University and of the colleges, by inviting Parliament to enter upon the task of what may be called compulsory or coercive legislation, I am free to admit that it would be most desirable to leave the

University to reform itself, if the constitutions of the University and the colleges had possessed in themselves such elasticity, and such facility of adaptation to the varying wants of the active age in which we live, as would render it unnecessary to come to Parliament in order to meet this exigency. Her Majesty's Government, however, after long consideration—after exhibiting, I hope, no want of patience—have come to the conclusion that the constitution which the University has inherent in itself does not afford those facilities, and have therefore thought it to be their imperative duty to make a proposal to Parliament on the subject. But here we are met by the right hon. Gentleman the Member for Midhurst (Mr. Walpole), and by other hon. Gentlemen, with the doctrine, broadly laid down, that the right course would be to confine ourselves simply to the removal of disabilities, and to leave everything in the hands of the heads of the University and the colleges. Now, in the first place, I must demur to any doctrine of this kind laid down upon abstract grounds. I cannot admit that there is any right whatever in those who are the life tenants of any corporation whatever to set up a title to the absolute and exclusive management of that corporation's affairs as against the supreme authority of the Legislature. I grant as fully as any man—and I have often asserted it in this House, and am ready to maintain it again—that it is most desirable that the Legislature should practise great reserve and great self-control in the exercise of its interference; but that is a matter of prudence and consideration—a question, supposing the interference to be authorised, whether the occasion for its exercise is an adequate and an imperative one. As to the right, I hold that there can be no doctrine so inconvenient—none of such dangerous consequence—none more certain to produce violent reaction—than to attempt to set up a multitude of divided and independent authorities, each contending for supremacy in the conduct of institutions and the management of property, which owe, if not their being, at any rate their safety and prosperity, to the guardianship of the general law of the land.

But this case does not stand merely upon general prudence—it is a case for the interference of Parliament, clearly and conclusively, on grounds altogether special and peculiar. My hon. Colleague (Sir W. Heathcote) has himself stated the case as regards the colleges, which is, that they have not the power to make changes, however desirous they might be to do so; and I venture to say that that case does not admit of an answer. I am not surprised at hearing my hon. Friend the Member for the University of Cambridge (Mr. Wigram), where they are so free—for in that University there is only the case of a single college which is entangled in the meshes of the oath which attaches to as many as eight of the most important colleges of Oxford, namely, the oath by which the whole of the governing body of the college directly, or by inevitable implication, are bound to make no change, and to permit no change or alteration to be made, in the Statutes. Why, what would be the use of giving the colleges enabling powers? We should be entangled with questions as to whether Parliament can make an oath void and the like; and supposing some member of the college should think that Parliament possessed no such right, are you ready to enter into questions of conscience, and to tell him that his scruples are idle, and that he must do what you require, whether he thinks so or not; and this too, forsooth, under the notion of preserving their freedom and independence? Well, this is the position in which you place these great colleges; I will not mention them all, but there are amongst them several of the wealthiest and greatest colleges of Oxford, including Magdalen, New College, Brasenose, Corpus, All Souls, Lincoln, and one or two more. Are we to say, when we know that the governing bodies of these colleges are restrained by personal and common oaths from devising any scheme of change, that we will simply pass an Act enabling them to devise such schemes of change, and then think we have done all our duty in the matter? But then my hon. Friend and Colleague (Sir W. Heathcote), who himself put this argument, which I believe admits of no answer with respect to the colleges, stated that, as regards the University, the case is altogether different, because the University, he said, is under no such disability, and the University, with the licence of the Crown, is perfectly free to proceed to make any changes which it may think fit in its own constitution; and, as respects other matters, is free to make changes, generally speaking, in the government and internal condition, without any licence from the Crown. That is perfectly correct; but the hon. and learned Member for Plymouth (Mr. R. Palmer) said, and said most truly, when you speak of a University, who and what do you mean? It might be said that the University had the power of appointing its own representatives and making its views and wishes known through them. Now, they have no power whatever, through the Convocation, except that of saying a bare "aye" or a bare "no" to such questions as may be propounded to the Convocation by the governors of the University at Oxford. That is the simple view of the case. It is unnecessary to say that I wish to speak of the governors with every possible respect; there is no man among them who is not respectable in his sphere—a great many of them are able, eminent, and even distinguished — but they are appointed, generally speaking, and almost without exception, by the different colleges to manage the affairs each of their particular college; and the prominent idea in the minds of those who have the choosing of them is that of choosing the managers of a college, and not of choosing governors for the University. The constitution of a college is so peculiar, that almost exclusive power is in the hands of a board of this description, the members of which are almost all chosen for such purposes. It is with great limitation and reserve that you can speak of them as representing the opinions of the University, and which opinions they have no means of bringing before Parliament. I was endeavouring to count them up during the statement of my noble Friend (Lord John Russell), and I think we have had six different constitutions sent up from the University, and all of them recommended on very respectable authority. There are two constitutions recommended by the committee of the board of heads of houses, and two constitutions recommended by the tutors, making four. Then there is a fifth constitution, which was recommended recently by a large body of residents; and there is also a sixth constitution, recommended by the Hebdomadal Board, and in favour of which Convocation had presented its petition. You may say, perhaps, that you regard that as the petition of the University.

Then look at the difficulty under which this constitution works. When we speak of the constitution of the University of Oxford, although it is perfectly true that all the members of the Convocation have gone through a certain term of residence, and passed certain degrees, and keep their names on the books, although it is perfectly true that they are invested with the Parliamentary franchise, yet this does not enable every country clergyman, or every London lawyer or Member of Parliament, to exercise practically a judgment upon the affairs of the University, with which he is never conversant, like those who reside in the University, and carry on its work. Now look for a moment at the working of the present constitution. The constitution recommended by the board of heads of houses was proposed in Convocation. Of the whole number of members of Convocation, only about one-tenth part voted for this constitution. But that is not all. While the majority of the Parliamentary constituency, so to call it, voted one way, the immense majority of the working body voted the other way. Of the teaching body of the University of Oxford, there were two to one against the petition which was recommended by the University. I ask, therefore, whether, under such circumstances—I say nothing now of the supremacy of Parliament — it would be rational that we should be such slaves of form, because one-tenth of the whole body met, and there were two to one who voted against a particular measure, as to regard that particular measure as being invested with the plenary authority of the University? But this is not all. I contend that the Government, in making this proposal to Parliament, are standing strictly upon historical and constitutional ground, with reference to the University, and to take the opposite course, as my right hon. Friend suggests, would be standing on ground altogether the reverse. What is the Statute that is now in question? It is one of three in the University which are called the "Caroline Statutes." Now, the University of Oxford, under the governance of the "Laudian code," framed that Statute by delegacy of the Convocation, and, therefore, I take it as being the work of the University itself. So framed, it received the sanction of the Crown. Well, if that was the case with the Statute, no doubt you might fairly say that the precedent should be to let the University frame a Statute, and the Crown give to it its sanction. Now, in the case of the "Caroline Statute," upon which the constitution exists, that was framed under the authority of the Crown, and adopted by the University; it was afterwards inserted in the "Laudian code," but it owed its origin to the Government of the country. That is the point on which I take my stand; and therefore I say it was the business of the Government of the country not to consider themselves precluded from dealing with the formation of such a Statute.

The other question to which I wish to advert, is a question which relates to what may be called the sanctity of property—the diversion of certain property connected with the colleges for the purposes of the University. The right hon. Gentleman who has just sat down has applied to that operation the strong name of confiscation; for he says he does not know another. But, however, he went on to limit the application of this term by saying that he did not mean to apply it to any case where you could trace any such purpose in the will of the founder. That would be quite a sufficient justification for the principle of this arrangement, because undoubtedly the most marked and specific cases which this Bill has in view for the application of college property to University purposes are cases where the founder has left most distinct indications of his intentions. These indications are very remarkable. In the case of Magdalen College the founder provided that there should be three lectureships established and paid, and that the lectures should be delivered for the benefit not only of that college, but of the whole University; and that bequest remains, after 400 years, unfulfilled. In the case of Corpus Christi College, the founder did exactly the same thing, and provided for the establishment of three lectureships for the benefit of the whole University; but that bequest has remained until within the last few years unnoticed. At present the governing body of that college, animated by the strongest desire for the reformation of the institution, although entangled by the oath to which I have referred, yet, acting in conformity with the spirit of their Statutes, have offered a munificent endowment for Latin professorships for the benefit of the whole University. But there are other cases proceeding upon the same principle. There were applications from Christ Church College to devote a portion of its funds for the establishment of chairs of divinity, which applications were based upon exactly the same principle. When the House of Commons had before it the Ecclesiastical Tithes and Revenues Bill, you exempted the chapters of Christ Church, on the ground that it was not to be considered as a chapter, but as a portion of the college. It was a portion of the college, but you proceeded afterwards by Act of Parliament to appropriate certain of the canonries of that college for the support of chairs of theology. Why, Sir, that is the very thing which this Bill asks the House to do. There was no provision in that Act for Statutes, because Statutes they had none, but there were college offices and canonries independently of any such obligations. That is the precedent and the principle upon which, on due cause shown, the Government ought to proceed. I do not say that anything rash or violent ought to be done upon this or any other ground; but it is vain to speak of confiscation as applicable to such a subject as the reasonable application of college property not for its exclusive benefit, but for the benefit of the entire University, in common with the college. There is a union of interest between the University and the college—an intimacy of relation and a mutual dependency between them; and, therefore, to use language of this kind in such a case is nothing but a perversion. It was prescribed by the founder of Corpus Christi college in the sixteenth century that one chair should be founded for the Latin and another for the Greek language. That was, Sir, because the study of Greek had just then emerged from the darkness in which it had been buried. And is it not fair to presume that the other founders—that William of Wykeham for instance, who lived a century and a half earlier—that if he had lived then, he would not have made equal provision for that study? Is it fair that the dead letter of the Statute should in this way be allowed to hold good against the common sense both of the Parliaments and the colleges of future ages? The right hon. Gentleman (Mr. Henley) has said that he is not aware whether the Bill provides for the appointment of professors in the same way as is recommended in the Report of the Commissioners. Sir, the right hon. Gentleman will so soon have the Bill in his hands that I prefer leaving him then to discover wherein the Bill and the Report differ, and wherein they agree, rather than that I should enter into any details upon that subject at present. Sir, the Report of the Commissioners is a document that has been drawn up with the greatest ability, and it has been of the greatest service to Government by a thorough and searching discussion of all those questions that are interesting and invaluable to the University. But undoubtedly, in considering the recommendations of that Report, Her Majesty's Government felt it their duty to deal with the subject on their own authority and their own responsibility, and not upon the authority of that Report.

The right hon. Gentleman appears to suppose that there is to be on the part of each of the colleges, a fixed contribution of a fifth part of their revenues, for the benefit of the University generally, to be followed perhaps afterwards by a further contribution of a fourth part. Sir, what is really proposed is as follows :—Power is given to the different colleges, subject to the approval of the Commissioners, to make of their own accord a contribution for University purposes, such as for endowing the chairs of professors, to an amount not exceeding a fifth part of their revenues. Therefore, it is not, in the first instance at least, a fifth part of their revenues, but such a sum as they may themselves deem requisite. But if the colleges do not exercise these enabling powers to the satisfaction of the Commissioners within a certain time, then the Commissioners are empowered to act, but they cannot act without limitations. They are not to act at all in the case of those colleges which have less than twenty fellowships. They are not to interfere in the case of any of the poorer foundations, because it is thought it would be hardly fair to deal with them. When they do act, then they are to send under seal their reasons for imposing the burdens which they lay upon the colleges, and the grounds on which they are satisfied that these colleges can make a just provision without prejudice to the purposes contemplated by the founders of each college. Having done that, they are then to declare the amount of the fund which they require from each college, subject to the limitation referred to ; but even then they must leave to the different colleges the mode in which they shall supply that fund ; and, lastly, in the purposes for which these funds are to be assigned, it is distinctly provided that the Commissioners shall not do so without assigning to each college a reasonable control over the regulation and management of the professorship or professorships to be established. I think the right hon. Gentleman (Mr. Henley) will admit that the regulation is not so unreasonable as he is now inclined to suppose. Certainly no one at Oxford has said that it is unreasonable that the wealthy colleges should make reasonable contribution to the needs of the University. They complain that the contribution required by the Royal Commissioners is too much, as in the case of All Souls, where it was proposed that out of forty fellowships twenty should be swallowed up for the founding of four professorships. To the unreasonable amount objection has been taken. But we do not propose so much the abstraction of property from the colleges, as that certain college officers should be appointed to discharge certain duties by means of the funds of the college, the benefits of which will be equally open to them with that of the whole University. Our purpose is quite consistent with the precedents that have been followed within the last few years in the case of the theological professorships ; it is recommended by the reason of the case, and I cannot doubt it will be favourably received by the House. Sir, having said much upon the independence of the University and upon the supposed abstraction of property from the colleges which is no abstraction at all, I think it best to postpone any further remarks upon the Bill itself till the second reading, and I shall only say further, that when the Bill comes into the hands of hon. Members they will perceive that in the first clause, which appoints the Parliamentary Commissioners, the names of those Commissioners are left blank, as the Government thought that was the most proper form in which to bring the matter before the House in the first instance ; but if the Bill should be read a second time, the names will be stated to the House before going into Committee, and they will be inserted in Committee.

MR. J. G. PHILLIMORE said, he obtruded himself, on the present occasion, upon the House with great reluctance, but in what he considered the performance of a sacred duty, in order to state those points of the noble Lord's Bill to which he principally objected. He was surprised that the noble Lord should have quoted a passage from Burke with regard to the confiscation of Church property in France in order to justify the confiscation of Church property in England ; and he was sure Burke would have been astonished at the use the noble Lord had made of the splendid passage from which he had taken his quotation. The right hon. Gentleman the Chancellor of the Exchequer had said that the step which the Government had taken might be justified by historical precedents. It might certainly be so justified—not, however, by the precedent of the period of history to which the right hon. Gentleman had referred, but of that period

> "When England's monarch once uncover'd sat,
> And Bradshawe bullied in a broad-brimm'd hat."

This Bill appeared to him to be, in truth, founded upon a very narrow knowledge of human nature, and upon a total ignorance of the English nature. He was not prepared to say that the government of the University of Oxford might not require alteration, and to one part of the Bill he had therefore no objection; but he would ask whether the assembly which he had now the honour to address was the best constituted body for regulating the mode of education at the Universities? His objection to the Bill was, that it took money which had been given, and could only have been obtained upon one ground, and applied it to an object totally distinct from that for which it was intended. He thought that property given in mortmain stood upon a totally different footing from other property; and if a necessity existed for removing abuses, no one would go further than he would in order to do so, and to carry out those reforms which were necessary for the welfare of the country; but they would never have had this property at all if it had not been for those principles which they now wished totally to ignore. A man born, say in some little village in Northumberland, rose from an obscure condition, and, having no children, was desirous of giving to those who had sprung from the same origin, and encountered the same difficulties as himself, an opportunity of obtaining that education to which he owed everything, but they now wished to take away the benefit of a bequest made with that object from the Northumberland men, to give it to all mankind. Nothing could be more discouraging to munificent endowments than this; for although they might gain a momentary advantage, they would destroy the principle from which all these advantages must spring. Money would never be left to the Universities if it was found that money which had been left them for one purpose was applied to another purpose, whenever it became necessary to remedy an abuse. This was the argument upon which he insisted; and he should have thought himself guilty of base ingratitude, holding the position which he held, and bearing the name which he bore, if he had refrained from expressing his aversion to the principle which the Bill of the noble Lord so far embodied. He concurred with the hon. Member for Newcastle (Mr. Blackett) in regretting that the noble Lord had not flung open the Universities to every English citizen, as this would have been a most favourable occasion for adopting a measure which was founded upon justice, and which would have aided so directly the great object of national education. With regard to that part of the Bill to which he had referred, he was obliged, with great regret, because he differed from those with whom he was in the habit of acting, to express his unqualified and entire dissatisfaction.

MR. NEWDEGATE said, he considered that this measure was a direct invasion of the independence of the University of Oxford, and of the Sovereign, its visitor. The University was an ancient corporation, with full powers of legislating with regard to its own internal regulations, subject to the concurrence of the Soverign, as visitor. The right hon. Gentleman the Chancellor of the Exchequer had referred to the "Caroline Statutes" as a precedent for the proposed interference, but why had he not recommended Her Majesty's Government to follow that precedent, and to send the Bill to the University of Oxford in order that it might be submitted to Convocation, for then it might have been accepted, as were the "Caroline Statutes," and the independence of the University would have remained uninfringed, and the right of the Soverign, as visitor, would have been vindicated? Instead of consulting the University, the Government had violated its independence in the first instance by the constitution of the Commission, when they ought to have recommended the Crown to visit. The Commission reported, and the University was then in progress to reform itself, but the noble Lord would not even allow the University to give its opinion, far less would he suggest the measure which he was authorised on the part of the Crown to submit to it. Again did he show his determination to interpose the arbitrary authority of Parliament in order by violence to regulate the University, and that determination was now proved by the manner in which he now proposed to deal with the colleges, as well as with the University. The heads and the leading members of the colleges had been consulting as to whether they should not, in accordance with the supposed wish of the Crown, devote the funds of the corporation, as far as their power and sense of duty would permit, to the extension of University education; but they were not allowed to act, and their property was to be grasped by a measure of confiscation. He felt that the measure of the Government was a flagrant violation of the rights of corporate property. When they thus interfered with corporate property, who could say that private property would be long safe from their interference? He could not sit silent, even at this stage of the Bill, without denouncing the vicious principles upon which it was founded.

Leave *given.* Bill ordered to be brought in by Lord John Russell, Viscount Palmerston, and Mr. Chancellor of the Exchequer.

Bill read 1°.

RIGHTS OF NEUTRALS.

On the Order of the Day for the House resolving itself into Committee of Ways and Means being read,

MR. MILNER GIBSON said: I rise, Sir, to bring forward the Motion of which I have given notice, that instructions should be issued to Her Majesty's cruisers not to interfere with neutral vessels, carrying goods the property of the enemy, if not contraband of war. Sir, I have thought it consistent with my duty to call the attention of the House at the present time to the question of the rights of neutrality which may be enjoyed by other nations, in case that war with which we are now threatened should take place. A short time since I gave notice of a Motion I proposed to make, that an Address should be sent to the Crown expressing the opinion of Parliament that privateering was not a species of warfare which ought to be sanctioned by the British Government. I did not proceed with that Motion, because I was informed by the right hon. Baronet the First Lord of the Admiralty that he had the subject under his consideration, and that on an early day he would state the views of Government to the House. I have therefore, in this Motion, abstained from asking the House to express any opinion upon the subject of privateering. The subject of my present Motion relates simply to the position in which neutral mercantile vessels may find themselves during the coming hostilities. My main object is, that the country should be put in possession of the decision to which the Government must by this time have arrived in reference to the rights of neutrals. If complete silence had been maintained—if no information had been offered to the country upon this most important subject—if the Government had merely said, "It is under consideration, and we shall in a short time be in a position to communicate our opinion fully to the country," then I would have observed silence upon the subject. But we have had information communicated to us through the newspapers of an imperfect character, and it has therefore become absolutely necessary, that no misapprehension may take place, to ask the Government to supply us with full and complete information as to the decision to which they have come on this most important subject. We have had a despatch from the chief of the Foreign Department, addressed to the British Consul at Riga, stating certain views, and explaining the liabilities which merchants would incur by carrying on trade with the enemy. Then in the newspapers of to-day we have a letter from the Board of Trade, addressed to a gentleman in the City, explaining what the consequence would be of certain transactions with Russia, in case of a war with that country. I may be told that if merchants want to learn their liabilities in time of war, they have only to study the law of nations, to consult learned civilians and authors who have written on this subject, and there they will get full information as to their position. But it must be obvious to every one that, after a forty years' peace, the usages which might have been adapted to the last war may not be equally adapted now. Opinions have changed—institutions and laws have changed—the mode of conducting commercial transactions has changed—and we all know that that mighty power, steam, has been introduced since the last war, and effected important alterations in maritime communications. I think also that this is a most favourable moment for entertaining the question whether great changes may not be introduced, because we are now in a position which we have rarely been in before. We are on terms of the most perfect amity with France and with the United States of America—two of the most important naval and commercial Powers in the world besides ourselves—and therefore we might probably obtain their assent to such an alteration of international law upon this subject as would be befitting the times in which we live, and as would give liberal scope for commercial transactions in time of war. On these grounds I think this is a favourable moment, by negotiations with foreign Powers, and in the exercise of our own discretion, to endeavour to carry on war with greater respect to private property than has yet been done, and with greater liberty to carry on commercial transactions than has ever before been allowed. I wish to give no opinion on the question, whether the war itself is politic or impolitic—I merely assume, for the sake of argument, that you are in a state of war, and I ask you to consider whether that war cannot be carried on without infringing, to the same extent as formerly, on the rights of commerce and of private property? I have put the present notice of Motion on the paper for the purpose of eliciting from the Government the decision to which they may have come on the subject. But I do not wish to convey the impression that the Government themselves are disposed to take an illiberal view of the subject, or to have recourse to extreme and rigorous practices without necessity. I give them full credit for being actuated by the desire to take a liberal course, but I thought it necessary to put my views on paper, to show what they are, and which I have authority for saying many gentlemen who are thoroughly competent to judge consider would give satisfaction. I do not ask the House to commit itself to any abstract principle. I do not propose to give up any of our maritime rights. I only ask that special instructions may be given to the officers commanding Her Majesty's cruisers, in the event of war, to abstain, at the present time, from interfering with neutral vessels on account of any goods or property not contraband of war that may be contained therein. This has no reference to the right or power of blockading; that right remains unaffected by the proposal, which only amounts to this—that special instructions may be given that neutral ships on the high seas should not be interfered with by British cruisers on account of ordinary mercantile produce contained therein. I will tell the House why I bring forward this Motion. The Foreign Minister, in his letter to the Consul at Riga, says that unless such special instructions are given, private property in neutral ships, under certain circumstances, will not be respected. He distinctly says it will require special instructions to prevent their stopping neutral ships in time of war, with the view of searching them in order to ascertain whether they contained property in which the enemy may have a direct or indirect interest. I think, in the first place, that such a proceeding as searching neutral ships for enemy's goods is totally nugatory for the purposes of this war. What is the state of affairs in reference to the Russian trade? All the Russian produce, or very nearly all, on the high seas, has been sold and paid for, and all Russian interest therein has ceased. Such, with a small exception, is the course of trade with that country. I have received a letter on this subject from a gentleman largely engaged in the Baltic trade, in which he says:—

> "I have consulted about six influential merchants, and I find that the proportion of Russian ownership in goods from Russia cannot be estimated at more than fifteen per cent."

So that the great bulk of the property, the produce of Russia, upon the high seas, is not the property of Russians, but the property either of neutrals who have acquired it by purchase, or of British subjects, who may also have acquired it by purchase. In the first case, as to the neutrals who have acquired the property by purchase, there can be no question, I apprehend, that neutral produce, in which the only proprietary interest is in a neutral, cannot be deemed lawful prize when found upon the high seas in the ships of a neutral, though it may have been bought in a country with which you are at war. Therefore, with regard to all that portion of property upon the high seas which neutrals have acquired by purchase, your power of searching neutral ships would have no effect whatever in producing pressure upon the enemy's trade, because, if you found the produce of Russia in neutral ships, and it had been purchased by neutrals, you could not make it lawful prize. Then there is that portion which is British property. I put it to the right hon. Baronet the First Lord of the Admiralty, if, at the beginning of this war, Russian produce have been bought and paid for, and in which, therefore, all Russian interest has ceased, and which has become exclusively British property, and it be found upon the high seas, is it fitting that that should be lawful prize? Whether in a neutral or in a British ship, is it fitting that such property should be lawful prize? It appears to me that the whole world would consider it a great injustice if a British cruiser were to stop and detain a ship containing British property which had been bought and paid for before war had been declared, and before there was any enemy, were you to make that property prize. But I am informed that such a doubt exists upon this question in the present state of the law of nations that, unless special instructions be given, which is what I ask, it is possible that such British property may be stopped and detained on the high seas, parties thrown into the Court of Admiralty in this country, and the property be condemned as lawful prize. I do not give any opinion whether this is the law of nations or not; but I feel I am correct in saying it is a matter of grave doubt. Then, would it be right to exercise this extreme power when it is obvious that a Russian having received the money for the produce, and the produce having become exclusively the property of British subjects, to capture and make it prize would have no effect in producing pressure upon Russia, but would only injure the interests of British subjects. These are two of the grounds why I wish the power of searching neutral vessels on the high seas not to be exercised now. Let us ask ourselves, also, whether it is a very satisfactory thing to contemplate the exercise of this power in British cruisers in reference to neutral ships? I am quite ready to admit that it is the settled law of nations—perhaps it may be too strong a word to use, the word "settled;" but I do not dispute that it is the law of nations according to the authority of the most learned men of various nations, with some exceptions—that enemies' property may be taken out of neutral ships, and that the neutral flag does not give protection to the cargo; but it is altogether discretionary in a country whether it will exercise these extreme belligerent rights or not. We make no surrender of the principle—we do not deprive ourselves of the power of exercising those extreme rights whenever we think fit, by not allowing them to be exercised now; but I ask the House to contemplate what may be the course of proceeding, unless the power of searching neutral vessels upon the high seas for enemy's property be undertaken only after the most grave and serious consideration. As I understand, this power is a power given to British cruisers, when war is declared, over all the surface of the globe. Wherever the neutral ship is, it may be searched to see if it contains enemy's property. Just conceive this state of things. A large American packet arrives at Cowes from the United States, bound to Hamburg. It may have among its multifarious bales of goods some consigned to persons in Hamburg, with the view of those goods being afterwards sent to houses in Russia. There may be a Russian interest in those bales of goods. The commanding officer of one of Her Majesty's cruisers detains the vessel; he says, "I have an interest in certain goods in your ship which are the property of the enemy, and I mean to try my right in a court of law, in order that I may condemn them as lawful prize." The American packet is detained, and all the parties are put to great inconvenience from being kept in a British port until the trial takes place. Suppose it to be decided that these bales of goods were not Russian property, though it appeared there was a *primâ facie* case for detention, and there is restitution of the property, do you suppose there will not be a bitter feeling left behind if an American ship is brought in, under such circumstances, without compensation, and large expenditure incurred, merely to test the question whether a particular officer has a vested interest in certain property in the vessel? I put this as a case which may possibly happen; and it is to provide against the possibility of such an unfortunate thing as the creation of a bad feeling with neutral and friendly Powers that I call upon the House to take the question into its most serious consideration. I have no doubt that the officers of the Navy will exercise their powers of search with discretion. I do not impute to them any desire wantonly to detain ships without good reason for supposing that enemy's property is on board; but recollect that the officer detaining a ship has a distinct pecuniary interest in the matter. He has, alone, to decide whether it is a *primâ facie* case for detention; and it may happen that neutral ships might be detained under circumstances that would give rise to feelings of great bitterness, and even to hostility from neutral and friendly nations. I think I have shown that, in this particular war—if war there is to be—the exercise of this power can have no effect upon the enemy, from the peculiar character of the Russian trade. The only effect it can have will be occasionally to give a prize to a few individuals at the risk of creating a bad feeling with great nations with whom we are now upon the best terms. I think, therefore, I have shown some good grounds why, at least, the immediate exercise of this power of searching the ships of friends upon the high seas should not take place. I admit there ought to be a visit, to ascertain if a ship is what she assumes to be, namely, a neutral, and not an enemy in disguise. But I stop there. When the officer has ascertained that there are on board no munitions or contraband of war, and that the ship is really a ship of a neutral nation, I wish to prevent that ship from having her cargo rummaged, her packages and bales broken open in searching whether there may or may not be some portion of the cargo that comes under the description of enemy's property. It appears to me that the Government must consent to this proposition. But I know there are those who attach the greatest importance to this power of taking enemy's property out of neutral ships, because it is said that neutrals might carry on the whole trade of the enemy, and prevent you from putting any pressure upon his commerce, and so stopping his means of accumulating wealth. Is that the case now? I think not. You have the power of blockade, which must produce a material effect. This power relates to ships upon the high seas, and not at all to ships that may have broken a lawful blockade, or may have placed themselves in the position of infringing your belligerent rights, and, therefore, are liable to capture or condemnation. I ask you, therefore, simply to issue special instructions that this right is not to be exercised at once; and I do so because Lord Clarendon says, unless these special instructions are issued, the neutral flag will afford no protection to any cargo, and that the officers of Her Majesty's cruisers will not respect the ships of friendly nations. But I must call the attention of the House, and particularly that of the right hon. Gentleman the President of the Board of Trade, to the grave objection there is to the giving imperfect and partial information upon this important subject through the newspapers of the day. There is a letter in one of the papers of this morning, signed by one of the Secretaries to the Board of Trade, which is as follows:—

> "Gentlemen—In reply to your letter of the 24th of February, requesting to be informed whether, in the event of war between this country and Russia, Russian goods imported from neutral ports would be considered contraband, or would be admissible into England? I am directed by the Lords of the Committee of Privy Council for Trade to inform you that, in the event of war, every indirect attempt to carry on trade with the enemy's country will be illegal; but, on the other hand, *bonâ-fide* trade, not subject to the objections above stated, will not become illegal merely because the articles which form the subject-matter of that trade were originally produced in an enemy's country.—I am, Gentlemen, your obedient servant, J. EMERSON TENNENT."

It appears then that an indirect trade with the enemy is illegal; but that a *bonâ-fide* direct trade with him is legal. What is a *bonâ-fide* direct trade? Suppose a Russian merchant sells his produce to a neutral in Russia, and that neutral brings the produce to a neutral port in Prussia, and there sells it to a British merchant. The British merchant trades with the neutral. Are we to understand—inasmuch as that would be an indirect trade with Russia, because the neutral had previously bought it from the Russians—from this letter that this is illegal, but that if the British merchant had bought the produce directly from the Russian himself *bonâ fide*, it would be legal? I cannot understand the meaning of this letter. It appears to me that it attaches liability to indirect trade with the enemy, but that trade with the enemy, if it is *bonâ fide*, may be legal. What an argument is this letter for caution in the right of search? Who is to say that the property of a neutral found in a neutral ship, which he has acquired by purchase in a country with which he is entitled to trade, because he is a neutral, may not, under such a doctrine as this, be called an indirect trade, as it may be assumed that the neutral is going to sell the produce to a British subject? What difficulties may not arise from the exercise of this right of search in consequence of doubts as to what is legal or illegal trade. It appears to me that no proposition whatever can be more clear, as a matter of natural justice, than the idea that the property of a neutral, which he has acquired by purchase himself directly, can by no possibility become lawful prize; yet I should infer from this letter from the Board of Trade that this is a species of indirect trade—namely, to buy property through a neutral from the enemy. In a former debate upon this very subject, some years ago, the then Lord Chancellor of England laid it down as a monstrous and unjust proposition that—

> "England should consider as enemies' property such goods as having formerly belonged to the enemy, had since been acquired by neutral nations."

Therefore, I think it would be impossible to lay any hold whatever upon the property purchased by a neutral of the enemy, and that the doctrine of the indirect trade being illegal and the *bonâ-fide* trade legal is unacknowledged, and calculated to mislead persons engaged in commercial transactions. The proposition I have taken the liberty of making consists of two parts. In the first place, I ask you not to exercise the power of searching neutral vessels for the purpose of finding enemies' property; and I also ask you to consider the policy of entering into treaty stipulations with the United States of America and other foreign countries willing to entertain the subject, that free ships shall make free goods, and that the neutral flag shall give neutrality to the cargo. I propose, not that you should bind yourselves to agree to such a treaty stipulation by assenting to this Motion, but merely that the Crown should direct its Ministers to consider the policy of such a measure. I believe there is very good ground for considering at the present time the policy of entering into a treaty with the United States and other foreign countries, in order that free ships may make free goods. I believe, and I speak upon the authority of the ablest writers in the United States on this subject, that the Government of that country is willing, and always has been willing, whether in time of war or in time of peace, to enter into such a treaty. If England enters into such a treaty with the United States, you will grant to the United States this privilege—that the neutral flag of the United States shall be respected when England is at war; and you will obtain from the United States a similar privilege, that when the United States is at war, the neutral flag of England shall be respected. Thus, in entering into such a treaty stipulation, England obtains as much as she gives. Remember, we are not now in the position with regard to the United States that we were half a century ago. It might be a matter of less importance to receive the privilege of neutrality from other States in those days than at the present time. It is possible that the United States may, unfortunately, be engaged in war with some powerful country. Your ships will then enjoy the privilege of neutrality, and will not be interfered with in their lawful callings; and in the same way, if the treaty I suggest existed now, the ships of the United States would not be interfered with in the carrying of ordinary mercantile produce. I will here read a short passage from a distinguished writer in the United States upon this very question which we should enter upon even if there were no probability of war. The question is one which this House may entertain in time of war as well as in a time of peace; in fact, it has nothing to do with the present position of the country. It is a question of universal policy which may be entertained at any time. Chancellor Kent, the great American jurist, says—

> "It has been the desire of our Government to obtain the recognition of the fundamental principles consecrated by the treaty with Prussia in 1785, relative to the perfect equality and reciprocity of commercial rights between nations, the abolition of private war upon the ocean, and the enlargement of the privileges of neutral commerce. The rule of public law, that the property of an enemy is liable to capture in the vessel of a friend, is now declared on the part of our Government to have no foundation in natural right, and that the usage rests entirely on force. Though the high seas are a general jurisdiction common to all, yet each nation has a special jurisdiction over their own vessels; and all the maritime nations of modern Europe have at times acceded to the principle that the property of an enemy shall be protected in the vessel of a friend. No neutral nation, it is said, is bound to submit the usage, and the neutral may have yielded at one time to the usage without sacrificing the right to vindicate by force the security of the neutral flag at another."

So that although this eminent writer admits that it is the law of nations, yet he clearly puts forth the strong wish there is on the part of the Government of the United States to contract treaties with all countries that are willing to enact that as between themselves free ships shall make free goods. Now, I propose that Her Majesty's Government should consider this proposition. I do not wish to trouble the House with copious extracts, but I will take the liberty of reading one more—["Oh, oh!"] I know this may be an unpalatable subject. It is with great reluctance that I go into it; but, I contend, it is becoming a Member representing a great commercial and manufacturing interest to call the attention of this House to these important facts. More than that, when I say that this proposition will be seconded by my hon. Friend the Member for Liverpool (Mr. Horsfall), I say it is entitled to the consideration at least of this House, and that it is one which Parliament ought to entertain. One of the most eminent and strongest supporters of the doctrine, that by the law of nations there is no doubt a neutral flag does not protect enemies' property, is Lampredi, an Italian writer, who nevertheless says:—

> "It is to be confessed that it would be a generous maxim, and favourable to the neutrality as well as to the freedom of trade, that the friendly flag covers enemies' property, not contraband of war. It would be desirable that all great nations, without exception, would agree to extend in favour of trade their moderation up to this point; but it must be permitted, also, to an impartial man, to question whether such nations as might feel inclined not to follow this maxim are infringing the

primitive law of nations, and, therefore, commit an injustice, if they continue to seize the property of enemies found in neutral ships, if they have not bound them by special treaty to refrain."

These are two great authorities, both of whom distinctly declare it to be the law of nations that enemies' property is liable to capture in neutral ships, but both take the opportunity of expressing, in emphatic language, how desirable it would be if the great nations would agree by negotiations to get rid of this fertile source of wars and contentions. The question of the rights of the neutral flag has already involved this country in war. It involved this country in war not only with the United States, in connection with other questions, but also with the Northern Confederacy, who ranged themselves together in 1780, for the express purpose of an armed neutrality to defend the security of the neutral flag. I do not know whether it may be in the recollection of the House, but I may just mention that the first Power that ever made a treaty to the effect that free ships made free goods was the Ottoman Porte. Turkey was the first Power that entered into such a stipulation, but since that period every great Power in Europe, England among the rest, has, by deliberate treaties, sanctioned this principle. I, therefore, give you not only great authorities for adopting treaty stipulations that free ships shall make free goods, but I also give you the authority of precedent, and of those precedents which will have the greatest weight—the treaties of your own country in former times. Such treaties were entered into a century and a half ago with Portugal, with Holland, and, at a later period, with France; and, I believe, the time has now come when the great nations of the world should be inclined to consider a general negotiation upon this important subject. I live in hopes that we shall hear from Her Majesty's Government that such treaty stipulations are under consideration with the United States of America, with France, and with other countries; and, I am sure, if they can succeed in obtaining this great good for mankind, they will also deserve and receive the gratitude of the commercial classes of all countries. I hope, in conclusion, that Her Majesty's Government are about to proclaim, in some public manner, the decision they may have come to upon this most important subject. I have just been told that the noble Earl the Foreign Minister has announced in another place some such intention. I, therefore, perhaps, shall be considered, under these circumstances, to have said sufficient to indicate the views I entertain myself; and it is only from the duty which I feel I owe to those I represent that I have ventured to intrude these remarks. I feel sure that no apology is due from any Member of this House when he acts from a sense of public duty; and I repeat that, unable now to explain fully all my views, in consequence of the promise from Her Majesty's Government in another place, I shall not feel myself precluded, when these proclamations make their appearance, from endeavouring, if they fall short of the principle which I conscientiously believe to be the only safe one, from calling the attention of Parliament once more to the subject.

MR. HORSFALL said, that in seconding the Motion of his right hon. Friend the Member for Manchester, he must thank him for the clear and explicit manner in which he had brought the question before the House. He entirely concurred in the sentiments which had fallen from his right hon. Friend, and he could not conceive how Her Majesty's Government, or any hon. Member in that House, could object to them. He was the more anxious to express his concurrence in them because he had heard it stated that the interests of the shippers of goods were at variance with the interests of the British shipowners, and more particularly in that branch of the question brought under the consideration of the House by his right hon. Friend. For himself, he must say he could conceive no such thing. He could imagine that, as a literal matter of fact, whatever tended to give facilities for the conveyance of goods in neutral vessels might be detrimental, to some extent, to British shipowners; but he considered that a very narrow-minded view of the question, and one which he was sure would not for one moment be entertained by the great body of the shipowners of this country. Upon every ground of equity, British goods and produce should have the same protection as British shipping. He regretted that his right hon. Friend had not gone into another and a very important branch of the question. It might be in the recollection of the House that he (Mr. Horsfall) had put a question to the noble Lord the Member for London, about a fortnight ago, as to how far the treaties of this country with foreign nations, or the measures which Her Majesty's Government were prepared to adopt, were such as would give protection to British commerce? To that question the noble Lord replied that it was a very delicate and intricate subject; that it was necessary to communicate with other nations upon it; but that the matter was under the consideration of Her Majesty's Government. He (Mr. Horsfall) had not put the question in any factious spirit, and he expressed himself satisfied with the answer of the noble Lord. Not so, however, with other hon. Members upon both sides of the House, and it was somewhat quaintly said upon the occasion, by a Gentleman from the opposite side, who had had some official experience, that "everything was under the consideration of Her Majesty's Government." He was willing, notwithstanding, to believe that the noble Lord was sincere, and all he desired was a clear and explicit statement of the views of Her Majesty's Government, not only upon the question submitted to the House by his right hon. Friend, but also upon the larger and more important question of privateering. The noble Lord said most truly that the question was one of a delicate and intricate nature, and he (Mr. Horsfall) was quite prepared to admit that it was; but at the same time it was one in the right and speedy solution of which the whole population of the country was deeply interested. Increased expenses were already placed upon the shipping, and it was too well known that whatever increased the cost of import increased the cost to the consumer. He maintained, therefore, that the question was not one of interest to the manufacturer and merchant alone, but was also deeply interesting to the whole population of the country. He hoped Her Majesty's Government would be prepared to state in the course of the evening, or else to give an assurance that they would state shortly, the course to be adopted for affording protection to the commerce of the country. He held in his hand a Report laid upon the table of the House containing a copy of a letter written by the noble Lord the Foreign Secretary, which he thought was a most valuable document, and gave some evidence, at least, that Her Majesty's Government were in earnest. He alluded to the letter of Lord Clarendon, addressed to our diplomatic and consular agents abroad, informing them that Her Majesty's Government had entered into treaties with France for the purpose of affording mutual protection to the ships and subjects of both countries. That valuable and important document, which he readily accepted as the prelude to further treaties for the protection of commerce, said in the first line—and it seemed to convey some censure upon Government—

> "The time has now arrived when it is incumbent upon the two Governments to prepare for all the contingencies of war."

The complaint now made was, that we were not prepared for all the contingencies of war. If the prospect of war had been one of recent origin, if we had been at peace yesterday and at war to-day, it might have been different, but when the prospect of war had been advancing with a slow but a sure and steady step for the last six months, he thought the House might reasonably express some disappointment that long ere this Government had not taken some clear and decided steps, or, if they had taken them, that they had not informed the country what those steps were, and what they intended to do. He had presented that evening a petition from the Liverpool Chamber of Commerce in some degree bearing upon this subject, which prayed that the House would enact a law to prevent any British vessel from being fitted out as a privateer, and also that Government would be induced to enter into a treaty with the United States and France with a view of putting a stop to privateering on the principle laid down by the United States in their war with Mexico in 1846. He hoped enough had now been said upon the point to which the attention of the House had been called by his right hon. Friend, and also upon an equally important branch of the subject—privateering and letters of marque. Whatever course other nations might adopt, he trusted this country would set a noble example, worthy a great and Christian country, and determine to fit out no vessel as a privateer.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, that She will be graciously pleased to give special instructions to the Officers commanding Her Majesty's cruizers, in the event of war, to abstain from interfering with Neutral vessels on account of any goods or property, not contraband of war, that may be contained therein; and praying Her Majesty to direct Her Ministers to consider the policy of entering into treaty stipulations with the United States of America, and any other Foreign Country willing to entertain the same, on the principle that free ships shall make free goods, and the Neutral flag give neutrality to the cargo,'—instead thereof."

Question proposed, "That the words

proposed to be left out stand part of the Question."

LORD JOHN RUSSELL: I think, Sir, the right hon. Gentleman who introduced this subject has undoubtedly raised many very important questions, and yet, important as those questions are, the hon. Gentleman who seconded the Motion has shown that such a declaration as that required by the right hon. Gentleman the Member for Manchester would be insufficient, inasmuch as the very important subject of privateering is altogether omitted in the proposal for an Address. I can only say, as I have said before in answer to my right hon. Friend (Mr. M. Gibson) and the hon. Member for Liverpool (Mr. Horsfall), that it is the intention of Her Majesty's Government, not, as my right hon. Friend supposes, by referring to the law of nations upon the subject, to leave parties to make out from that law what their course should be—but it is the intention of Government, having for some time considered the various bearings of the case, to advise Her Majesty to issue, in some shape or other, a document which shall declare the policy of the Government upon these questions. But I trust that my right hon. Friend and the hon. Member for Liverpool will see that a document of this kind requires very great care; that there are questions of principle, questions of precedent, questions of policy, and questions of law, which are all involved in this subject. And there are not only these questions, but, amid the contending precedents and high authorities in former wars by which the course of the Government has been decided, the very wording of any such document will require especial care; and any mistake from an incautious style of expression of a particular document might lead to a misunderstanding with France, with the United States, and with the neutral nations of the north, that might be of the most serious consequence. Therefore I think that Her Majesty's Government are not to blame for giving the utmost care and deliberation to this question. Hostilities have not yet been entered into, and before they are entered into a statement of the views and policy of Her Majesty's Government will be made, and that declaration cannot be now long delayed, and will be very speedily produced after it is made. But I trust that the House will not call upon the Members of the Government to explain, more especially in speeches in this House, the policy that will be pursued by the Government under such very serious circumstances.

MR. J. L. RICARDO said, he was glad the question had been brought forward, because certainly what had been said by Lord Clarendon as Minister for Foreign Affairs, and what had emanated from the right hon. President of the Board of Trade were totally and entirely at variance; and therefore it was absolutely necessary that the commerce of this country should be placed on a proper and sound footing, that they might understand exactly what were the intentions of the Government on this subject. He would only say two words after what had fallen from the noble Lord —let them not be governed in this matter by old and antiquated notions. They had now adopted fairer and sounder notions on commerce; and when they imported to this country 13,000,000*l.* worth of Russian produce, he would put it to every Gentleman, that they did not import those 13,000,000*l.* worth of produce for the benefit of Russia, but because they wanted it, and exchanged for it produce of their own. For every pound's worth of goods which they prevented from coming into this country, they would stop a pound's worth of their own manufactures from going out of the country. In the same proportion as they would prevent the imports of Russia from coming into this country, they would injure and prejudice the manufactures of their own country. He rose more particularly to call the attention of the Government to this point, and he earnestly requested they would take it into consideration. He trusted they should soon have their decision; and that it might be clear and specific was the only reason why he had risen to say these few words.

MR. T. BARING said, it had beei stated by the noble Lord (Lord J. Russell) that hostilities had not yet commenced, and that, before hostilities should commence, he would state the course the Government would pursue; now, what he (Mr. T. Baring) wanted to know was, whether it was the intention of the Government to delay the declaration of their views until there was a declaration of war. He could assure the Government that a great injury was inflicted upon trade by this delay; for every day, under present circumstances, it created uncertainty in all commercial transactions, and as to the course a merchant must pursue. He thought, when so much time had elapsed, and when war had been expected for a long time, Her Majesty's Government were rather tardy in making up their minds as to what they would do. They heard that something was to be done in some shape or other, and at some time or other, but no assurance was given when the declaration was to be made, and when the doubts which now prevailed might entirely cease.

Lord JOHN RUSSELL: I can only say that I think it will be necessary to communicate with France on the subject; for, though the views of the Government are decided, it is necessary, with respect to France more especially, to state what our views are, and see whether they are agreeable to the Government of France. That is only one circumstance that I mention; but there are other circumstances with regard to the effect of certain words to be used. When Her Majesty's Government are ready to make the declaration, they will consider the interests of commerce, and will not delay the declaration any longer than they can help.

Mr. BRIGHT said, he could understand the reason why the noble Lord might not wish, or might not be prepared, to state anything explicitly, on the first part of his right hon. Friend's Motion, and why the House might rest content until, perhaps, the promised declaration was made; but the noble Lord had omitted to notice the latter part of the Resolution. His right hon. Friend (Mr. M. Gibson) had expressed his desire that Her Majesty's Government should enter, or attempt to enter, into treaties with the United States on the subject there referred to, and of course that was not a matter to be postponed. His right hon. Friend had said most truly, and he (Mr. Bright) thought he had good means of knowing, that the United States would have been heartily glad to co-operate with the Government of this country in establishing (as he believed their co-operation would establish throughout the world) the great principle that was laid down in that Resolution. There was one thing, however, which the House ought to bear in mind, and he said it more especially, because the noble Lord had not said a word in favour of any portion of the Resolution—the noble Lord had certainly said nothing against it, but he had said nothing in its favour—and that was, that the noble Lord had not given the slightest idea of the course the Government would pursue. He (Mr. Bright) hoped they would take a wise course, and that they would agree to the principle of the Resolution which had been submitted to the House. It was not to be concealed that the opinion of the country was very different from what it had been at any former period. He was one of those who could never see any justice in what was called the law of nations on this subject. He could not see why the ship of a neutral should not be considered to be in the same position as the freehold of a neutral, or the absolute territory of a neutral. The property on board of a neutral ship should be as sacred from the intrusion of cruisers as the property of a neutral on shore. But the law on this subject had been made in all times by the powerful maritime nations, and they made the law, not with regard to what was justice, but with regard to what served their own objects in the war in which for the time being they were engaged. They should bear in mind that England was not now the only great Power at sea. The tonnage of the United States was approaching rapidly in amount to the tonnage of this country, and in twenty years hence, in all human probability, would far exceed it. That which they had been able to do at former times—whether it was just or not—they would not be able to do in time to come, and if the United States were disposed to arrange this matter by some permanent settlement with this country, the Government would be neglecting the true and permanent and future interests of this country if they were not willing to enter into the treaty which his right hon. Friend had proposed. He had been always aware that the dangers that environ this Eastern question were dangers that did not end in the East, but which might spread to the West. And at that moment that which pressed upon his mind almost as much as the war which apparently was about to commence was the quarrel which must inevitably spring out of the maintenance of that which hitherto had been considered the law of nations upon this subject. It was not to be expected that the United States people would tolerate that which he was quite certain the people of this country would not tolerate for one moment from them. And if it should so happen that the course the Government would take would leave the cruisers of this country at liberty (and that that liberty should be acted upon) to seize and detain American ships, and confiscate the property in them, there was no diplomacy that ever had been imagined that could keep this country from a war with the United States, and he was sure it might happen that this struggle which seems now impending, instead of being confined to any portion of Europe, might spread over two hemispheres. For the sake of maintaining what he believed to be in itself radically and originally unjust, they might find this country involved in dangers and calamities equalling any of those that had been experienced at any former period of their history. He said this merely because he was unwilling that the question should be shirked or blinked in any way. If the Government were not aware of its importance—but he could not doubt that they were fully aware of it, and he entreated of them to give the subject their most serious consideration. It had nothing to do with the policy of their past proceedings with regard to Turkey or Russia. He could look to this question—never having expressed an opinion upon it before—as impartially as any man; and looking to the position which they occupied with regard to the United States, and to the fact that their ships and the ships of the United States were on every ocean and in every creek, he would say that the Ministers who would allow such a peril as that to continue, and would not take measures to avert that peril from them, would not be worthy of the confidence of that House or of the country. He therefore begged that the noble Lord, though he had not said a syllable in favour of the Resolution of his right hon. Friend, would allow him to believe that he was in favour of this principle, that the Government would consider it favourably, and that in their Proclamation they would give as much facility to commerce as was possible, if hostilities should break out.

Lord JOHN RUSSELL: I beg to say, that Her Majesty's Government are fully aware of the great importance of the question. They are as fully aware of its importance as the hon. Gentleman himself; but I do request of the House—what I am sure it will concede—some days of forbearance, and we shall then be able to acquaint the House with the decision we have come to.

Amendment, by leave, *withdrawn.*

APPOINTMENT OF MR. STONOR.

Mr. G. H. MOORE said, he begged to call the attention of the House to the statement made by the hon. Gentleman the Under Secretary for the Colonies when, on a former night, the appointment of Mr. Stonor to a Colonial Judgeship was under discussion. He had thought he was not justified in stopping the House from going into Committee of Ways and Means by a specific Motion; but, so far from being satisfied with the statement made by the hon. Gentleman (Mr. F. Peel), the affair appeared to him to be darker, more mysterious, and more inexplicable than ever. The hon. Gentleman stated that when an application for the office in question had been sent to the Colonial Office by Mr. Stonor, he also sent in a package of testimonials, but that the package had passed unexamined by the clerk under whose hands it came, and by himself. He (Mr. Moore) did not insinuate a doubt that, when the hon. Gentleman said that, he stated the truth as he believed it to be; but it appeared to him (Mr. Moore) to be utterly impossible that the Under Secretary for the Colonies could have stated the whole truth of the case, for unless there was something behind the question which the House did not know, and which the public did not know, it would amount to this: that Mr. Stonor having sent in testimonials to the Colonial Office, they escaped observation altogether, and he was appointed to the office of a Judge merely because he had written a letter to say he would like to be so appointed. Now, that was utterly impossible, and if the testimonials which he had sent with his application were not examined, the public had a right to know on what ground, if not on that ground—and on what recommendation, if not on that recommendation—he was appointed. He (Mr. Moore) had reason to believe that this gentleman was appointed, he would not say by the Duke of Newcastle, or by the hon. Gentleman the Under Secretary for the Colonies, but by an influence that unfortunately had the ear of the Duke of Newcastle. That was the influence from which the appointment had proceeded, and the appointment was made, not in ignorance of the corrupt practices or in spite of the corrupt practices of this gentleman, but because of his corrupt practices—because he had handed over to the hon. Gentleman now Member for Sligo, and then a Junior Lord of the Treasury, an influence which he had obtained in Sligo during the election of 1853, through the corrupt practices for which he was reported. Under these circumstances, it was his (Mr. Moore's) intention to make a specific Motion on the subject, to the effect that a Select Committee should be appointed to take into consideration the appointment of Henry Stonor to a Judgeship in the colony of Victoria, the said Henry Stonor having been reported to the House by a Committee of the House to be guilty of bribery at an election for Sligo in the year 1853.

Mr. HUME said, he thought that when all the Members of the Committee were not satisfied of the actual guilt of the individual, though a majority did carry the reproval, the Government had gone almost beyond what he should have expected. They came forward and declared that they were not aware at the time of his appointment of the charge against this individual, and they had cancelled the appointment. That being so, it did appear to him that it would be in the highest degree beyond anything he had ever known to take the course suggested; and he, therefore, hoped the hon. Gentleman would reconsider his Motion.

Mr. FITZSTEPHEN FRENCH said, he could not avoid expressing very great astonishment at what had fallen from the hon. Gentleman (Mr. Hume). He thought some explanation was due to the House by the hon. Gentleman the Under Secretary for the Colonies, for having led the Government into a grave and reprehensible course, by which a great and lasting injury was inflicted on the gentleman who had been appointed to this office. Why was Mr. Stonor appointed? The hon. Gentleman admitted that it was not on account of his legal acquirements, or for any professional reason, because he stated he did not open the paper in which the recommendations of Mr. Stonor were contained. He asked the House to remember what this dereliction of duty on the part of the hon. Gentleman had done. It had taken Mr. Stonor from an honourable profession, in which, if he (Mr. French) understood rightly, he was earning an income of 1,000*l.* a year, and he had placed a stigma upon his name. The hon. Gentleman (Mr. F. Peel) admitted that on Mr. Stonor's part there was no concealment whatever, that every information that could be required, not as to his legal capability, but as to this particular act attributed to him, Mr. Stonor had fairly and openly laid before him. Was that the way the duties of a public office should be performed? Was it right that official and judicial appointments should be made without inquiry? Is it right that even the common duty of looking over the papers entrusted to his care should not be performed? He believed that in the case of all legal appointments the papers were laid before the Attorney General; why was that dispensed with in this particular case?

The ATTORNEY GENERAL: I beg to say that is not the case.

Mr. FITZSTEPHEN FRENCH said, he was not endeavouring to attach any blame to the hon. and learned Gentleman. He blamed no one but the Under Secretary of the Colonial Department. The question to be decided by that House was not only the personal one in relation to Mr. Stonor, but whether an hon. Member of that House, who had, according to his own statement, neglected his duties and brought lasting discredit on the Government, should be permitted to retain the office which he now holds.

Mr. FREDERICK PEEL said, that after the pointed reference made to him by the hon. Gentleman who had just sat down, he might be excused for restating the circumstances under which Mr. Stonor was appointed. That gentleman had addressed a letter of application for the appointment in question to the Colonial Office, and he accompanied that letter with a packet of testimonials, and that packet also contained a printed paper referring to the Resolution of the Sligo Election Committee. The letter of application referred to the testimonials which were sent into the Office, though it did not refer to the printed paper which was put with these testimonials; but it further stated that these testimonials had been given him by persons in the highest position in the profession of the law—by the Lord Chief Justice of the Queen's Bench, by Vice Chancellor Stuart, and by other persons not perhaps quite so eminent as these, but still of high standing in their profession. It might be an omission on the part of the Colonial Office that they had not examined these testimonials for the purpose of verifying Mr. Stonor's statement, as to the parties from whom they came; it was certainly an oversight, which was to be regretted, but some apology, perhaps, might be found in the laboriousness of that Office, and in the impossibility, with all the diligence and industry which any person could employ, of always guarding every approach by which an occasional error might be committed.

Mr. WHITESIDE said, he was sure that the hon. Gentleman who had just explained his conduct had dealt with the House in a spirit of perfect sincerity; but that matter concerned the administration of justice, and he could assure the hon.

Gentleman that while he entertained the most perfect respect for him, he had heard his speech of the preceding day with great pain. Was he to understand that the Members of a Government, who were pre-eminently distinguished for their administrative ability, when they came to consider the claims or the qualifications of an individual who was to decide on questions of property, liberty, and life, never condescended to read the papers which had been sent in to them relative to those claims or qualifications? If the noble Duke at the head of the Colonial Office was so much engaged that he could not perform that duty, could he not transfer it to the eminent and able person who represented the Colonial Department in that House? And what was the vindication of his own conduct which had been offered by that hon. Gentleman? He had got a package containing certain papers; but was he (Mr. Whiteside) to understand that the Lord Chief Justice of England and other Judges had certified in favour of a gentleman who, abandoning the practice of the bar in his own country, had inflicted on Ireland his talents in the trade of corruption? Was he to understand that a gentleman who had been convicted of bribery by a Committee of that House—["No, no!"]—who had been convicted of bribery by a Committee of that House, because the majority of that Committee was the Committee—who had frankly—and he would give Mr. Stonor credit for that frankness—who had frankly forwarded to the Colonial Office the certificate of his conviction, but which certificate they had not read—was he to understand that that gentleman had been appointed under such circumstances to a high judicial situation? Incapacity and ignorance had frequently been inflicted on the bar in Ireland, and they had frequently been inflicted on the Colonies; but he had hoped, that, in addition to incapacity and ignorance, the Government did not intend to inflict on the Colonies likewise men skilled in the work of corruption. In his humble opinion—and he gave that opinion with the most entire respect for the hon. Gentleman—the fact that a man could be appointed a Judge without even a clerk in the Colonial Department having noticed the documents containing his testimonials, afforded the severest censure that could be pronounced upon a Ministry that was said to contain all the administrative ability of the country.

MR. BOWYER could not avoid expressing his surprise at the course which had been taken by the hon. Member for Mayo (Mr. Moore), who had stated to the House what he (Mr. Bowyer) said to him in the strictest confidence. He should not have made that statement to the hon. Member unless he had believed that it would have been treated as strictly confidential; and he made it also in the fullest belief that Mr. Stonor was innocent, and that he had been unjustly—that was, erroneously—convicted by the Committee. Had he believed him to be guilty of the offence imputed to him, he (Mr. Bowyer) would have done nothing to screen him. But believing him to be innocent, he was desirous that he should not have an accuser of the ability and ingenuity of the hon. Member for Mayo (Mr. Moore), who would be sure to make the best of the evidence against him, and might possibly induce the House to assent to his conclusions. He believed that under these circumstances he was quite justified, according to the practice of Parliament and the feelings of every honourable man, in saying to the hon. Member, "I beg you not to speak against my friend." On coming into the House the other evening he heard his name used by the hon. Member for Mayo; but he was not aware of the full extent of what he said. The hon. Member on that occasion made use of some unjustifiable expressions about "pouring water on a drowned rat." Now his learned friend, Mr. Stonor, was not a drowned rat; for, though he admitted that he had been guilty of indiscretion, he still believed that he was innocent of the offence of which he had been convicted by the Committee. Had he been aware of the circumstances under which the hon. Member for Mayo addressed the House on the previous evening, he (Mr. Bowyer) should have then addressed it in a manner very different from that in which he did. He then believed that the hon. Gentleman had then spoken merely in vindication of himself—[MR. MOORE: Hear, hear!]—and he consequently gave him full credit for not having, without necessity, repeated what he (Mr. Bowyer) said to him in confidence. He understood that the hon. Gentleman had been compelled by the House to disclose what he had disclosed. But he found that this was not the case. By the course which he had taken he had placed him (Mr. Bowyer) in a most unpleasant, and his friend Mr. Stonor in a most unjust position; and of this he thought he had a right to complain. How did the case against Mr. Stonor now stand? He had placed the whole of his case plainly before the Government, making not the best, but the worst of it. He knew from Mr. Stonor that he was not appointed, as was supposed, by the influence of a Lord of the Treasury who was returned for Sligo, but in consequence of his reputation, of his qualifications for the office, and of the recommendations he received. In what position was he now placed? He was previously in receipt of a considerable income from his profession; he had abandoned this, sold his property, and had sailed to a colony. He was not a man in easy circumstances; his brother, who was in a lamentable state of health, and his mother, were dependent upon him. He had abandoned his prospects here, believing that the Government were thoroughly cognisant of the whole circumstances affecting him. He was certain, from the intimate relations that existed between himself and Mr. Stonor, that he would not have accepted the offer had he thought there was any doubt that the Government were cognisant of the circumstances in which he stood. Mr. Stonor had spoken to him of the generous manner in which he had been treated by the Government; he said they had not considered the finding of the Committee final, but had gone into the merits of the case, and considered the evidence, and that, having done so, they had come to the conclusion that he had been erroneously convicted, and that the finding of the Committee ought not to be a bar to his employment under the Crown. These slips would happen; but he certainly thought this case showed that a good deal of that reform of which they heard in the civil administration of the Government was wanted. When he found that an important judicial office in a colony was bestowed without a due examination of the documents affecting the person who applied for it, he thought he might fairly call for some change in the mode by which persons were appointed to responsible offices under the Crown. He never knew a harder case than this. Here was a whole family ruined by the neglect of the Colonial Office. It was all very well for official men to say they had made a mistake. It was easily explained in that House, and there were plenty of men to cheer them when they said they had made a mistake, and were sorry for it; but it was a serious matter for those who were affected by the neglect. He would not have referred to this subject had he not heard a notice of Motion by the hon. Member for Mayo, which looked like a fresh attack on Mr. Stonor. [Mr. MOORE: No, no!] He appealed to that hon. Gentleman whether he had not done enough in vindication of what he thought to be right; and whether he should not now cease from any further attacks on Mr. Stonor. The hon. Member had ruined a man and ruined a family. The hon. Member had already enough to answer for in this matter.

MR. G. H. MOORE, in explanation, said, that a very grave personal imputation had been made against him. The hon. Gentleman who had just spoken said that he had broken confidence with him. When was that confidence entrusted to him? Why, on those very benches, with several Gentlemen sitting round, the hon. Gentleman the Member for Dundalk (Mr. Bowyer) speaking in as loud a tone of voice as he had done while addressing the House. On that occasion he told the hon. Gentleman that he intended to expose what he believed to be the real state of the case. The hon. Gentleman requested him not to speak, and he did not do so. Subsequently the hon. Gentleman the Under Secretary for the Colonies taunted him with having sat silent, and he then said that he had been requested not to speak. Upon this, several hon. Gentlemen called upon him to name the person by whom he had been so requested, and it was under these circumstances that he did so.

MR. MALINS said, that the question before the House was not so much as it affected Mr. Stonor, but as it affected the Government. He could not from the first help being struck with surprise how the hon. Gentleman the Under Secretary for the Colonies could have sanctioned the appointment of a person who had been convicted of bribery by a Committee of that House, and whose conduct had been canvassed in debates carried on in his presence. [Mr. F. PEEL said, he had not heard the debates with reference to the Sligo election.] At all events, the conduct of Mr. Stonor was perfectly notorious; and yet in the course of a few months this conduct was overlooked, and he was appointed to be a Judge, and to take part in the administration of justice. As it was, he felt for Mr. Stonor, although he had quitted the practice of his profession, for the purpose of taking part, and a corrupt part, in the Sligo election. ["No, no!"] Was the House prepared to acquiesce in the finding of the Committee? He was surprised, the other night, to hear the hon. Under Secretary for the Colonies impugn that decision; but he was followed by the hon. Member for Exeter (Mr. Divett), whose experience in these matters was so great, and he told the House that he came to the conclusion that Mr. Stonor was guilty in this matter, with as little hesitation as he ever felt in a similar case in his life. He (Mr. Malins) was not then aware that Mr. Stonor had actually sailed for the colony; but that being so, he must say that he participated in the feelings of the hon. Member for Dundalk (Mr. Bowyer). Mr. Stonor was gone out. He was to be recalled. If so, how was he to be indemnified? How was reparation to be made to this injured gentleman for the mistake of the Secretary and Under Secretary of the Colonies? How could they replace him in his practice, and his family in the same position as before? He was recalled, stigmatised, and degraded. If the Government had performed their duty of perusing a document sent for their perusal, all this would not have occurred, and in the course of years, by devotion to his profession, Mr. Stonor might have removed the impression this transaction had made, and at a future time received an appointment without question. The injury to Mr. Stonor was irreparable. But it was advisable the attention of the House should not be withdrawn from the real point. The Government had made great professions—and he had given them credit for those professions—of a desire to repress corruption in every form. If it turned out that the Government had been party to appointing a gentleman to a judicial situation with the full knowledge that that gentleman had himself been engaged in bribery and corruption, what would the House think of those professions to repress these corrupt practices? And now they had heard from the hon. Member for Dundalk a statement which required explanation from the Government. The hon. Member for Dundalk stated that the Government had not only read the document Mr. Stonor sent, but had read the evidence taken before the Committee.

MR. BOWYER explained, that what he had said was, that Mr. Stonor left England under the belief that the Government were fully cognisant of the offence alleged against him. Mr. Stonor was no doubt mistaken. He (Mr. Bowyer) was quite certain her Majesty's Government were not cognisant of the circumstances.

MR. MALINS said, he understood the hon. Gentleman to have stated that Mr. Stonor said the Government had perused the evidence. It appeared that Mr. Stonor did not say that, but was under the impression that the Government had considered his case and come to a conclusion in his favour; and he was reminded that the expression which the hon. Member (Mr. Bowyer) used was, that "the Government had taken a generous view of the matter," and had given Mr. Stonor this judicial appointment. The Under Secretary for the Colonies stated that two of Mr. Stonor's testimonials were from the Lord Chief Justice of England and Vice Chancellor Stuart, but he had not stated whether those testimonials were read. If the Secretary of the Colonies could not read them—if the Under Secretary of the Colonies could not read them—still, could no gentleman in the Colonial Office be found to read and examine those testimonials, and report upon them? The matter was incredible, and the House should pause before coming to a conclusion that, under these circumstances, the appointment of Mr. Stonor was made without some representation having been made which induced the Government not to examine into these testimonials. The hon. Member for Mayo (Mr. G. H. Moore) stated his impression that Mr. Stonor was appointed because he was guilty of these practices, and as a reward for engaging in them. Could it be possible that the Government, having a knowledge of the circumstances, purposely abstained from perusing the documents before Mr. Stonor's appointment? He meant no disrespect to Mr. Stonor, for whom he felt very sincerely, but he thought that this was a fair opportunity to state his impression that the honours of the legal, as of all other professions, ought to be given to those who fairly earned them in arduous prosecution of their calling, and not to those who merely took a particular part in any election or other party proceedings. He trusted the House would not be induced to adopt the view of the hon. Member for Dundalk. He trusted they would regard this, not as a question between Mr. Stonor and the House, but as a matter affecting the proceedings of the Government; and, taking that view, that the House would insist upon investigation, to get at the bottom of the transaction, and to ascertain why it was that Mr. Stonor was appointed; and he hoped the Government would then consider how they could make reparation for the obvious injury Mr. Stonor had suffered at their hands.

Mr. W. O. STANLEY said, he regretted to witness the altercation that had taken place. He supposed that because it was St. Patrick's night the Irish Members indulged in a disturbance. He thought Mr. Stonor had received punishment severe enough, and he was not one who had ever endeavoured to extenuate cases of this sort. He had always thought such persons should be dealt with severely, and he thought Mr. Stonor had been dealt with severely, being probably ruined for life. He should like to know if hon. Gentlemen would be so zealous if similar occurrences were brought home to all in that House? The hon. and learned Member who had just sat down felt very much hurt at the reflection on the legal profession, but he would ask him if there were not some in high position in that House, and some members of the bar elsewhere, who had been guilty of conduct as atrocious as that of Mr. Stonor. They had the word of the hon. Under Secretary for the Colonies, on his own part, and on the part of the noble Duke who presided over that department, that they had no knowledge of this transaction at the time they made the appointment, and, therefore, believing men when they stated such to be the fact, in his opinion they ought not to pursue the matter further. He was satisfied justice had been done, and that the House had vindicated its own honour. He might shortly have to bring a similar case before the House, when he might have to ask hon. Gentlemen opposite to agree with him in hunting down one who used to sit on their own side for conduct as censurable as that of Mr. Stonor.

Mr. I. BUTT said, surely the hon. Gentleman (Mr. Stanley) did not seriously imagine he was turning away the attention of the House by a perfectly irrelevant, and, as an Irish Member, he must say a perfectly unwarranted, observation. If the hon. Gentleman intended to combine some atonement with the charge, he had perfectly succeeded, inasmuch as he had proved that the privilege of irrelevancy on St. Patrick's day was not confined to Irish Members. An observation more savouring of personal bitterness and party feeling he certainly had never yet heard than the last observation the hon. Gentleman had addressed to the House. It was not a question of hunting down Mr. Stonor, but of finding out where was the gross neglect, or worse than gross neglect, which placed Mr. Stonor in the false position described by the hon. Member for Dundalk. He (Mr. I. Butt) rose, as he took some part in the matter last year, not for the purpose of hunting down Mr. Stonor, but to call the attention of the Under Secretary of the Colonies to a specific fact. Last year the writ for the borough of Sligo was moved for as a matter of course. He had felt it his duty to oppose its issue. A debate arose in that House, and, in the course of his observations, he read the Resolution of the Sligo Election Committee, which stated that an alderman of the borough of Sligo was bribed by the payment of 103*l.* by Henry Stonor. The statement was rather remarkable and novel. An alderman had been bribed. A discussion followed. Some Gentlemen, among whom was the hon. and learned Gentleman the Attorney General, also took part in it, and referred to that Resolution. There was a division, and in that division, upon the Motion of the noble Lord the Secretary of State for the Home Department, the Under Secretary for the Colonies was found voting. He asked that House, and the country would also ask, where was Ministerial responsibility, if a Minister of the Crown, representing a department of the Government, not taking part in a discussion, but voting in the division, was thus to shelter himself by saying he knew nothing of what was discussed in the House of Commons—he knew nothing of the question on which he voted? On another occasion a friend of Mr. Stonor brought forward the case of Mr. Stonor, and the question was discussed, though he certainly did not see the name of the Under Secretary for the Colonies in the division; but where, he asked, was Ministerial responsibility, if Ministers were to say they knew nothing of what was discussed in the House of Commons? He could understand if the hon. Gentleman had said he was asleep—he then could, as he said, understand it. But he could not accept such an excuse from so acute and so wakeful a Gentleman as the Under Secretary for the Colonies; there was only one Minister who might just now be entitled to urge it. [*A Laugh*]. If a Gentleman was present in a debate, and took part in a division, he ought not to turn round and say he knew nothing about it. If any one said the Committee were not justified in the Resolution to which they came, what would be the position of Election Committees of that House? Election Committees were sworn to discharge their duty, and it was casting a slur on their decision if the Government appointed persons to situations who had been reported by name to have been guilty of bribery. He hoped the hon. Member for Mayo would persevere. It was not for the purpose of hunting down Mr. Stonor. It was the Government that had hunted Mr. Stonor down, by appointing him without reading his testimonials, and revoking that appointment the moment censure was cast upon him. In justice to the colony, and in justice to that House, they ought to know upon whose recommendation Mr. Stonor was appointed, and how it was that a slur was cast on the Committee by appointing a man to a judicial office against whom they had reported. That Report incapacitates Mr. Stonor from office, and yet at this moment he may, perhaps, be sentencing somebody for bribery. But this he would say, that if that of which he was accused was his misfortune and not his fault, it incapacitated him from office.

MR. JOHN SADLEIR: Sir, I shall not enter into a discussion as to what are the rights and privileges of the Government in dealing with any case; but the hon. and learned Gentleman who has just spoken has thought proper to remind the House that Election Committees act under the obligation of an oath, and has signified his opinion that there is something highly improper in acting against the decision of such a Committee, though carried only by a majority of one. Now, I beg to remind the hon. and learned Gentleman, in answer to that observation, that it often happens the decisions of juries given upon oath are, notwithstanding, daily set aside by the judges of the land. As to the conduct of the hon. Member for Mayo (Mr. G. H. Moore), who has had the good taste and high spirit in my absence, and without the slightest notice given to me, to endeavour to found accusations affecting my honour and character, I say it is most unjustifiable and indefensible. He has ventilated that which I now tell him to his face is a slander and a libel.

MR. SPEAKER: The hon. Member for Sligo has made use of an unparliamentary expression. It is impossible for this House to listen to him. He must immediately retract it.

MR. JOHN SADLEIR: I bow with the utmost respect, and at once retract the word slander, but I say that that which the hon. Member for Mayo has stated of me is a libel, for which there is not a particle of foundation. The hon. Member for Mayo having stated behind my back and in my absence that the appointment of Mr. Stonor was made at my instance, and as a reward—[Mr. G. H. MOORE: I never said anything of the kind.] I am not at all surprised at the retraction by the hon. Gentleman. He is entitled to every indulgence at my hands, because I know he lives upon the circulation and invention of the most unfounded statements for political purposes. The hon. Member for Mayo is in the constant habit of making statements without a single particle of evidence to sustain them—

MR. SPEAKER: The hon. Gentleman is again out of order. I really must request him to be more careful. He must retract the expression which he last used.

MR. JOHN SADLEIR: I retract, Sir, the expression; but I repeat that I am not at all surprised at finding the hon. Member prepared to stand up in his place in Parliament, and, after having most deliberately reflected on my conduct and my name, in the presence of many of the Friends who now surround him, retract those reflections. Having given this flat and unqualified denial to the statement of the hon. Gentleman, and having challenged him to the proof of the assertion, and which he has now thought proper so instantaneously to withdraw, I shall now resume my seat.

MR. G. H. MOORE: Sir, I must again beg to explain what I really did say. What I said was, that I believed that Mr. Stonor was appointed to the situation which he lately held in consequence of having transferred to the hon. Gentleman opposite that interest in the borough of Sligo which he had obtained by corrupt practices. That was what I said, and I believe hon. Gentlemen will allow that that was what I said.

Main Question put and *agreed to.*

WAYS AND MEANS—THE INCOME TAX.

House in Committee.

Mr. WILSON PATTEN in the chair.

THE CHANCELLOR OF THE EXCHEQUER said, he would now move the Resolution of which notice had been given.

Question proposed—

> "That it is the opinion of this Committee, that towards raising the Supply granted to Her Majesty, there shall be charged and raised for the year commencing on the 6th day of April, 1854, for and in respect of all property, profits, and

gains, chargeable in or for the said year with the Rates and Duties granted by the Act 16 & 17 *Vic.* c. 34, additional Rates and Duties, amounting to one moiety of the whole of the Duties which by virtue of the said Act shall be charged and assessed, or shall become payable under any Contract of Composition, or otherwise, in respect of such property, profits, and gains respectively, for the said year; and that the whole amount of the said additional Duties shall be collected and paid with, and over and above, the first moiety of the Duties assessed or charged by virtue of the said Act for the year aforesaid."

Mr. HUME said, he really did not see why they should stop at 100*l.* The property of the country was most inadequately taxed, for he believed it was double the sum at which it was assessed; and he thought, therefore, that there ought to be as few exemptions as possible. Besides, the Government had been urged to go to war by the people of this country, and he was anxious that those who had got up public meetings for that purpose, and who at present escaped the doubled income tax, should be brought within its reach, so that they might at least be made anxious to bring the war to as early a conclusion as possible. He would, therefore, beg to bring forward the Amendment of which he had given notice.

Amendment proposed—

"In line 3, after '1854,' to insert the words 'in all cases when the aggregate annual amount of income shall be 60*l.* and less than 150*l.*, an Income Tax of five pence in the pound sterling, and:'"—

Question proposed—"That those words be there inserted."

The CHANCELLOR of the EXCHEQUER said, he was not sure whether the Amendment which his hon. Friend had proposed would carry into effect the object which he had in view. As he (the Chancellor of the Exchequer) read it, it would, indeed, carry down the tax from incomes of 100*l.* a year to incomes of 60*l.* a year, and between 60*l.* a year and 150*l.* a year it would raise it one-half, or from 5*d.* to 7½*d.*; but he thought it would leave the tax on incomes above 150*l.* precisely where it was at present, at 7*d.* in the pound. So that incomes below 150*l.* would pay 7½*d.* in the pound, and incomes above 150*l.* only 7*d.* That, however, he believed was not his hon. Friend's meaning. His intention was fairly to raise the question whether the income tax should be carried down to incomes of 60*l.* a year, and whether incomes between 60*l.* and 100*l.* should be treated and taxed in the same way as incomes between 100*l.* and 150*l.* That was a very important question—a question upon which he should not like, at this moment, to give a conclusive opinion; because, if we were really to look forward to a war, with respect to which they all knew that, when it was once begun, no man could venture to predict anything of its extent or its duration—he should be reluctant to cut himself off, or to cut off from that House, any source of taxation not absolutely wrong in itself, however great might be the difficulties connected with it. At the same time he must say he thought it impossible to overrate the difficulties attending such an extension of the income tax as was now proposed. It was not until last year that the income tax, generally speaking, was levied at all upon persons living upon weekly wages; for although there were a few persons in the receipt of such wages whose incomes exceeded 150*l.* a year, they were most of them lodgers, and if any of them paid it was only one here and there. The measure which the Government took last year, of carrying down the income tax from a limit of 150*l.* a year to a limit of 100*l.* a year, was a measure of great importance and of great boldness; but it was also a measure of no inconsiderable difficulty. It had made it necessary for the Commissioners and those who were concerned in the collection of the tax to deal rather extensively with the labouring classes, and he had already said the difficulty of dealing with the labouring classes in a matter of this kind was immense. They could only be got at through their employers or the occupiers of houses. He had no doubt that employers would generally discharge any duty which the Legislature might impose upon them; but this would be a task of so invidious a character that it would necessarily be unpalatable, and he should not like to impose it upon them without some strong necessity. With respect to the occupiers of houses they would have great difficulty, and even where they succeeded, there would be strong objections on the part of the persons thus got at to pay the tax unless they could be quite sure it was levied with equality. It could not be levied with equality, because where one would pay, five or six would slip through their fingers. They had not yet quite collected half a year's income tax under the altered state of things introduced last year; let them at least see the effect of that great change before they ventured upon anything further. The utmost they expected from the extension of the tax then determined on was an addition to the existing resources of 250,000*l.* a year, and he was satisfied that the measure now proposed would not produce so much, or nearly so much as that. He would put it to his hon. Friend whether—considering all these circumstances—considering, also, that persons in receipt of weekly wages were not those to whom it was most likely to be convenient to pay a direct tax half-yearly—it was worth their while to introduce a new inquisition and new machinery, which would make the law extremely odious and extremely onerous, and interfere with the liberty and the comforts of large portions of their fellow-subjects, for the sake of so small a result. He therefore hoped the Amendment would not be pressed.

MR. HUME said, he was strongly convinced of the importance of making the burden which would be caused by this war fall as far as possible equally. He should leave the question in the hands of the Committee, but should not be satisfied until it had declared its opinion by a division.

MR. DISRAELI said, he considered the question was of too much importance to be disposed of after five minutes discussion, at twelve o'clock at night. He did not think they would do well, in the face of the country, to come to so hasty a decision. The hon. Member would have an opportunity of renewing his proposition during the progress of the Bill through the House if he should think it right to do so.

MR. HUME said, he had no objection to allow this stage of the measure to pass, if it were understood that he should have that future opportunity. He had been anxious his opinion should be known, and he hoped the House would not let the Bill pass without coming to a decision on the question.

MR. SPOONER said, he considered that the question was far too important to be proceeded with at midnight, and he should therefore move, as an Amendment, that the Chairman report progress, and obtain leave to sit again.

THE CHANCELLOR OF THE EXCHEQUER said, he was sorry that he could not agree to the Motion of his hon. Friend without taking the sense of the Committee. If the House of Commons had made it their duty to search out in vain for a number of new sources of taxation, and had had experience of the effect of the income tax as it at present existed for a whole year, it might be a question of grave debate whether they should carry the tax lower down or not. They had already reduced it to incomes of 100*l.* a year; but sufficient time had not elapsed to show what would be the result of that measure.

MR. DISRAELI said, that he had supported the Amendment of the hon. Member for Montrose, in the hope that he would be induced to withdraw it. After the present Amendment, there was another one upon the paper, so that it was clear that they could not advance to the proposition of the Chancellor of the Exchequer that evening. On Monday week last the right hon. Gentleman had made his financial statement, and last Monday they were to have had an opportunity of discussing its merits. No such opportunity, however, had been afforded, the day having been occupied first in reviewing the conduct of three Members of Her Majesty's Cabinet, and afterwards upon a question of Greek politics which had been introduced by one of the warmest supporters of the Government. In consequence, no discussion had taken place upon the financial proposition of the Minister. It had been fixed again for that evening, but the whole of their time had been occupied by another important subject which had been introduced by the Government. The proposition of the Chancellor of the Exchequer was one of the most important that had ever been brought under the attention of that House. It was quite impossible to go into it at that hour, and he thought it desirable that they should close their proceedings at once.

SIR GEORGE GREY said, he would suggest, if they were to divide, that they had better do so upon the Amendment of the hon. Member for Montrose, which was a perfectly plain proposition, to extend the tax to incomes of 60*l.* a year.

MR. WALPOLE said, he should be disposed, under the circumstances, to support the Amendment of the hon. Member for Montrose (Mr. Hume); but as they had not yet had a year's experience of the last great financial experiment of the Chancellor of the Exchequer, he would recommend the hon. Gentleman to withdraw it. They should first ascertain the effect of placing the tax upon incomes of 100*l.* instead of 150*l.*; and the argument of the Chancellor of the Exchequer was so cogent, that we should see the tax as it at present stood in full operation before extending its area, that he should now vote for the Resolution.

Mr. HUME said, he must acknowledge the force of that argument, and would withdraw his Amendment.

House resumed; Committee report progress.

MR. STONOR'S CASE—EXPLANATION.

Mr. JOHN SADLEIR: Sir, in the observations which I made this evening I understood you were under the impression that I had made use of the word "lie." I am extremely anxious to state to you and to the House that I used no such word in the observations which I addressed to the House. I was under the impression that in using the phrase "slander and libel," you might possibly conceive that I was not warranted in using the word "slander," and therefore I withdrew that word, confining myself to the word "libel." But I assure you, Sir, no amount of provocation would ever induce me, in your presence, and in the presence of this House, to use the word "lie."

Mr. SPEAKER said, he was certainly under the impression that the hon. Member had made use of the word "lie;" he was glad to find such was not the case.

The House adjourned at half-past twelve o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, March 20, 1854.

Minutes.] Public Bills.—1ª Arbitration Law Amendment; Declaratory Suits.

2ª Registration of Bills of Sale.

Reported.—Mutiny; Marine Mutiny; Exchequer Bills (£1,750,000).

3ª Coasting Trade.

TESTAMENTARY JURISDICTION BILL—PETITION.

Lord BROUGHAM desired especially to call the attention of his noble and learned Friend (the Lord Chancellor) to a petition he had to *present* from the Company of Merchants of the City of Edinburgh, upon a matter which concerned the Testamentary Jurisdiction Bill, now before a Select Committee. The petition prayed that upon the death of any person leaving movable property in England, Scotland, or Ireland, it shall not be necessary to procure letters of administration, probate, or confirmation, in the several counties. According to the law of this country, probate of a will obtained in England or in Ireland had no operation in Scotland, and letters of confirmation in Scotland, which were tantamount to probate, had no legal operation either in Ireland or England. The consequence was, that if a testator were the owner of shares in banks, railways, assurance companies, or mines, in various parts of the United Kingdom, probate must be taken out in England and Ireland, as well as letters of confirmation in Scotland. The inconvenience was enormous. Supposing a Scotch testator possessed an interest, however small, in such companies in the different provinces of York and Canterbury, Dublin and Armagh, his representatives must not only take out probate, or letters of confirmation in Scotland, but must go to those four provinces of York and Canterbury, Dublin and Armagh, before they could administer the estate. These petitioners, who were a most respectable and important body of men, therefore, prayed that probate in England should have effect in Scotland, and, reciprocally, that letters of confirmation in Scotland should have operation in England and in Ireland. The petitioners called the attention of their Lordships to the fact, that the Legislature had already sanctioned what amounted to very nearly the same thing. In the Companies' Clauses Consolidation Act of Scotland exactly that arrangement was made—a certified extract of the probate or letters of administration granted in England was effectual to transfer all shares in railways or any other companies exactly in the same way as where probate or letters of administration had been taken out in Scotland. It so happened that here was just one of those blunders which resulted from legislating without due consideration; for the very next chapter—one was the 16th of the 8th *Vict.*, and the other the 17th (the Companies' Clauses Consolidation Act of England)—was word for word the same as that of Scotland, with this omission, that it did not give the same advantage in England to administration taken out in Scotland, which they had given in Scotland to administrations taken out in England. It was utterly impossible such a state of things could be allowed to continue, and he trusted his noble and learned Friend would allow an addition to be made to the Testamentary Jurisdiction Bill which should effect that important alteration and improvement of the law. This was precisely analogous to the provisions contained in the Bill which he was happy to find had received the universal concurrence of the other House of Parliament, to enable all judgments in one part of the United Kingdom to receive execution in all the other parts. Probate was in the nature of a judgment by a competent tribunal, and to make it effective in any part of the United Kingdom was merely applying the rule which had been recognised by the House of Commons in the Bill to which he alluded.

The LORD CHANCELLOR said, this question had been very much considered by the Commissioners; but they thought it impossible to overcome the many difficulties which, though they did not appear on the surface, actually existed. The law of wills was entirely different in Scotland, and the adjudication on wills in Scotland was really no more like that in England than adjudication on wills in France. With regard to Ireland, as jurisdiction was not confined to one court, probate on property of magnitude might be granted by some small diocesan court, without security that due investigation had taken place. He hoped when the present Bill for England, confining jurisdiction to some one court, had passed, a similar Bill would be introduced for Ireland, so as to put both countries on the same footing. He saw great difficulties, under any circumstances, in acceding to the prayer of this petition; but the matter should be well considered, and he should be ready to attend to any suggestions from his noble and learned Friend.

Lord BROUGHAM expressed his dissent from the opinion of his noble and learned Friend as to the law of wills in Scotland being so entirely different from the law in England; and reiterated the precedent which the Companies' Clauses Consolidation (Scotland) Act afforded for the alteration prayed.

Petition read, and *referred* to the Select Committee on the Testamentary Jurisdiction Bill.

LETTERS TO OFFICERS OF THE BALTIC FLEET.

Earl GREY wished to put a question to the noble Viscount the Postmaster General, of which he had not given him notice, respecting the transmission of letters to the fleet which had been despatched to the Baltic. His attention had been attracted to an announcement that the packet rate of 1*s.* 8*d.* per ½ oz. would be charged on all letters addressed to officers serving on board the fleet in the Baltic. Their Lordships would feel, with himself, that to officers engaged in a service of that kind there was no such comfort as easy communication with their friends at home; and, undoubtedly, it appeared to him desirable that letters should be conveyed to them at as cheap a rate as they were conveyed from one part of the kingdom to the other. There was no reason why this should not be so, since there would be no expense actually incurred, because the letters would be sent by the Queen's vessels, employed in keeping up the communication between Her Majesty's Government and the fleet in the Baltic. He, therefore, begged to ask his noble Friend if he could give any explanation of that announcement, and whether he could hold out any hope that the rate charged on letters to officers serving on board this fleet during the present expedition would be reduced?

Viscount CANNING said, he was very glad the noble Earl had put the question, as he had no doubt the announcement was calculated to create great disappointment. The facts were these:—By the Act 3 & 4 *Vict.*, which regulates the charges on certain letters, the Postmaster General was bound to charge on all letters to the north of Europe the old packet rate of 1*s.* 8*d.* the ½ oz. By another Act of Parliament all letters forwarded by the Queen's ships were to be treated as letters forwarded by packets. All letters, therefore, sent to the Baltic fleet by the Queen's ships were charged, without there being any power in the Postmaster General to remit it, at 1*s.* 8*d.* the ½ oz. The only power the Postmaster General had was, by warrant from the Treasury, to reduce the rate generally upon letters sent to particular parts of the world. He had lately applied to the Treasury for a warrant empowering the Post Office to reduce the charge upon officers' letters to 6*d.*, and to allow letters to and from the soldiers and sailors of the fleet to be conveyed in any of Her Majesty's vessels at the low rate of 1*d.* When these arrangements were carried into effect he did not think there would be much reason for complaint.

Earl GREY was glad to hear that his noble Friend proposed to reduce the charge upon officers' letters to 6*d.*, which was all that could be done without the aid of Parliament; but he trusted that, considering the nature of the service upon which the officers were employed—considering also that many of them were poor men, and that the conveyance of their letters would put the Government to no expense whatever—the Post Office would apply to Parliament for power to transmit these letters with an ordinary penny stamp, as they would do from one part of the kingdom to another. They should all feel that the officers were engaged in an arduous and dangerous service, that they had great claims upon the sympathy of the Legislature, and that the least which could be done for them would be to grant them such an indulgence as he had suggested.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 20, 1854.

MINUTES.] NEW WRIT.—For Durham County (Northern Division), *v.* Viscount Seaham, now Earl Vane.

PUBLIC BILLS.—1° Public Libraries and Museums; Dublin Port; Dublin Carriage.

2° Ministers' Money, &c. (Ireland); Colonial Clergy Disabilities.

COLOURED SUBJECTS OF GREAT BRITAIN IN THE UNITED STATES.

MR. KINNAIRD said, he wished to ask the noble Lord the Leader of the House, in what state the correspondence between the British and the United States Governments with reference to coloured seamen (being British subjects), on the vessels to which they belong arriving at a port in any of the Southern States, being imprisoned on account of their colour, now was, and whether there would be any objection to lay the correspondence on the table of the House; and also whether there was any truth in the report, that coloured seamen (being British subjects) have been not only imprisoned, but afterwards sold into slavery, if unable to pay the cost of their imprisonment? He had documents in his possession which led him to believe that this had occurred.

LORD JOHN RUSSELL said: Lord Clarendon was of opinion that it would be better not to produce the correspondence, relying on the Legislatures of the several States to make such alterations in their laws as would prevent a recurrence of these causes of complaint. In Carolina the Governor had proposed an alteration which had not been carried into effect, but it was understood that it would be again proposed this year; and believing that there would be a great improvement in the legislation both of Carolina and of Georgia upon this subject, Lord Clarendon, he repeated, was of opinion that the correspondence had better not be produced.

MINISTERS' MONEY, &c. (IRELAND) BILL.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a Second Time."

MR. MIALL said, it was his intention to move that the Bill be read a second time that day six months. The House was already in possession of ample information with regard to the tax of ministers' money—an impost which might be described as an Irish church rate with aggravations peculiar to itself. The excuse urged in behalf of church rates in England, that they had existed from time immemorial, could not be alleged in favour of ministers' money, which was a tax of comparatively recent date, having been imposed by Statute in the reign of Charles II. That tax was a badge of conquest and of degradation to the Roman Catholic population of Ireland; it was perfectly unnecessary to the carrying out of the establishment principle in Ireland; it was extremely partial in its operation, and it fell chiefly upon persons whose religious belief was diametrically opposed to the creed which the tax was intended to support. He regarded the tax as both impolitic and unjust, and, as the amount derived from it was extremely small, and there was a strong feeling in favour of the total repeal of the impost, he hoped the Government would not press this Bill, which was intended simply to effect a compromise. The right hon. Gentleman who introduced the Bill had alleged as a reason for not proposing the total repeal of the tax the inviolability of Church property, but he (Mr. Miall) considered that a tax levied for the support of a Church or the maintenance of divine worship, under an Act of Parliament, could scarcely with propriety be denominated property, for such a tax might at any time be repealed by the Legislature. Besides, the right hon. Gentleman must have overlooked what took place a few years ago when the tithes were commuted to a rent-charge, and twenty-five per cent of them were thus sacrificed and given over to the landlords. If, however, this tax was to be regarded as Church property, he still thought it was completely within the power of that House to deal with it as they pleased, and that too, on principles of the most perfect equity. The right hon. Gentleman, by introducing a Bill which gave up part of this impost, thereby admitted that there was a real grievance complained of, and that the character of the tax was one of great injustice. There were abundant funds in the hands of the Ecclesiastical Commissioners which might be made applicable to supply the place of this tax, and it would be consulting the best interests of the Church and of religion if such an application were brought about. He (Mr. Miall), conceived that, so long as a Church set at nought the principles of justice, it was perfectly vain to expect that the spiritual influence of that Church upon the people would be what it ought to be, and what it was designed to be. He believed that not only did the Church suffer, but that religion itself also suffered, from the mode of quartering the ministers of religion upon the resources of persons whom they were intending and hoping to convert. Only last week, while he (Mr. Miall) was engaged in attending to his duties in that House, three persons, a policeman and two brokers, entered his domicile; they brought with them a warrant from a magistrate; and, as he (Mr. Miall) happened to be one of those unfortunate individuals who had a conscientious objection to the payment of church rates, they seized what furniture they could, put it into a cart, and drove off with it. Now, without considering what effect such acts were calculated to produce upon the minds of the victims, he would ask what effect they must have upon the minds of the men who were engaged in these transactions? Were such occurrences likely to increase their reverence for religion or its ministers? He hoped, therefore, that the House would show its desire to get rid of these inconvenient and irritating questions by supporting the Amendment he now begged to propose.

MR. HUME, in seconding the Amendment, said, he must express his regret that the Government evinced so little disposition to allay the excitement and irritation which were occasioned by this description of taxation. In the days of Charles, when cities and towns of Ireland and the city of Edinburgh were saddled with taxes of this nature, the number of Dissenters was small, but he called upon the Government to consider the number of individuals at present who, as Dissenters, objected on conscientious grounds to the imposition of these rates. He hoped that the Government, seeing the excitement and discontent occasioned by such taxes, would consider whether it was right or politic to raise by these means a paltry sum of 14,000*l.* or 15,000*l.* a year, when there were large surplus revenues belonging to the Church.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 203; Noes 97: Majority 106.

Main Question put, and *agreed to*.

Bill read 2°.

COLONIAL CLERGY DISABILITIES BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. HADFIELD, in moving that the second reading of the Bill be postponed until that day six months, said he was very much surprised at the introduction of this measure after the decision of the House last year, for its features were even of a more objectionable character than those of the Bill of last Session. The Bill was in effect to repeal the Act of Henry VIII., and to permit the colonial clergy to meet, subject to no responsibility whatever. It conferred on the clergy who settled in the Colonies privileges and concessions which were altogether withheld from the clergy at home. Now if there was one point more than another in respect of which the Colonial Legislatures were peculiarly jealous, it was in regard of interference with their ecclesiastical affairs; and that being so, he warned the House not to meddle on so ticklish a question with that class of Her Majesty's subjects. Let the House recollect that it was a similar interference which primarily led to the revolt that lost to us our North American Colonies. The Bill professed to be remarkably simple and straightforward, yet it was difficult to determine what its true meaning was. It set forth that the Colonists might assemble and make regulations concerning their ecclesiastical matters, yet it carefully enacted that the Bill should give no legal effect to those regulations when made. He wanted, then, to know what was the Bill for? The House should carefully deliberate whether or not the prohibitions put upon the clergy shall be continued. Let them not experimentalise upon the Colonies; but let the question be discussed upon a broad principle, and as one involving the whole of the ecclesiastical policy of the country. The present Bill was one which would tend to dissatisfy the Colonists, and occasion a religious element of discord which would prove not only exceedingly injurious to the Colonies themselves, but likewise to the mother country.

MR. APSLEY PELLATT seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR JOHN PAKINGTON: Sir, with the permission of the House, I wish briefly to state the reasons why I find myself unable to support the Amendment of the hon. Member for Sheffield, and I cannot help hoping that the hon. Gentleman himself will not think it desirable to press his Amendment to a division. The House will recollect that this is by no means the first time on which this subject—one, no doubt, of great intricacy, as well as of extreme interest to members of the Established Church in the Colonies—has been brought before this House. About two years ago I had found it to be my duty to oppose a Bill upon this subject that was introduced by the right hon. Gentleman the Chancellor of the Exchequer. On that occasion I explained at considerable length the objections which I entertained towards it. In making those objections I received on that occasion the support of the present hon. and learned Solicitor General, who is now the promoter of the present Bill, and who concurred in the views which I then put forward. But when I stated the objections I entertained to that measure, I also felt it my duty to express an opinion that the state of the Church in our Colonies was far from satisfactory, and that it would be desirable to give the colonial members of that Church all the additional freedom of action in the management of their ecclesiastical affairs that was consistent with the two grand objects of the unity of the Church and the constitutional authority of the Crown. I then stated I thought that the Church of England in the Colonies laboured under disadvantages with regard to the necessity of adapting herself to missionary duties, but more especially in reference to the management of the temporalities of the Church, and to the establishment of a proper discipline. Now, my object is to remedy those defects in such a manner as would better meet the wishes of the colonists themselves. Fortunately this subject has been for a long time before Parliament and our Colonies, and there will, therefore, be no difficulty in deciding what is the real view of the majority of the members of the Church of England in all our most important Colonies. Those who are conversant with the subject will confirm what I now say. The demands of the colonists may be divided under two heads. First—they are desirous—whether rightly or wrongly, whether the present state of the law does or does not impose impediments to free action—they are desirous to be more free than they now find themselves; and secondly, they are no less anxious to keep up their connection with the Church of England and Ireland. These I believe, beyond all doubt, are the real objects of the colonists themselves. Well, the question then arises whether the Bill which the hon. and learned Gentleman opposite has put upon the table will attain this double object? This Bill is extremely simple and short in its character. It professes to do very little. It is, however, I think, one of the gravest Bills with which we ever had to deal. It proposes to do no more than to repeal all existing disabilities, and to make the Church of the Colonies free. But, simple as the Bill is in shape, it has nevertheless excited considerable alarm. I hear many say that, short as the Bill is, they have no idea what it will do, and they express themselves to be extremely afraid of it. Now, I think that this alarm and these doubts are not without foundation. We found two years ago that the Chancellor of the Exchequer's Bill professed to be a very simple measure. It nevertheless was full of constitutional objections of the gravest possible nature. I also think that objections, resting upon a solid foundation, may be urged to the present Bill, however simple in its shape, if it were to pass without any alteration into a law. It might do a great deal more than I am willing to believe the authors of the Bill themselves really intend. My great objection to the Bill that was before the House two years ago was this, that it would have the effect, if passed, to make the Church of England in every colony a separate and an independent Church, and to put an end to the connection that has always existed between them. Instead of having a United Church of England and Ireland, every colony would have a separate and independent Church of its own. Though, perhaps, the danger may not now be so great and so apparent, I still must say, I think that if this Bill passes in its present shape, the practical effect will be much the same as that anticipated in the objection which I had made to the former Bill. I must say, I share the opinion of many who spoke on this subject, that they would prefer in its outline the Bill of last year. Now, I thought that the Bill of last year was rather cavalierly treated by the Government after it had passed the House of Lords with the sanction of the Archbishop of Canterbury and the Bishops of the Church of England. Many colonial bishops who were then in England assented to it. That Bill had passed the other House of Parliament, but when it came down to this House it was not entrusted to the care of any particular Member. The right hon. Gentleman the Chancellor of the Exchequer, it is true, offered a few faint words in its defence, but even by that right hon. Gentleman the measure was cavalierly treated. It was ultimately dropped. The objects then proposed were clearly intelligible; and I confess I am of opinion that that Bill was a much better one than the present. But I cannot altogether pass over a very remarkable paper, proceeding from a high authority, that was published last year in connection with that Bill, and which exercised great influence npon the public mind. I allude to a letter written by Sir James Stephen. I have heard that that gentleman has also objections to the present measure; but I think that the objections of Sir James Stephen to the Bill of last year were exaggerated. He objected to that Bill on the ground mainly that, first of all, the Colonial Legislatures were competent to deal with the affairs of the Church of England in the Colonies. Now, I hold this to be a mistake, for though I do not deny the competency of the Colonial Legislature to deal with such matters, yet I say that if the Church of England waits until regulations for her own government are made by the Colonial Legislature, I believe the day to be very distant indeed before she will arrive at that happy result. I think, in the opinion Sir James Stephen then expressed upon this subject, he lost sight of the real character and views of the Colonial Legislature. Another objection of his was in reference to this kind of legislation. He declares that this attempt at legislation is a breach of our solemn pledges against interfering with their local affairs. I think that this is a most unfounded objection; because, instead of this being a Bill intended to interfere with the colonists in the settlement of their own affairs, it is directly the reverse. This is a Bill rather to enable the colonists to deal with their own affairs—affairs to them of a most urgent and interesting character. In consequence of the law of England, by the Act of Henry VIII. and the 1 Eliz., the colonists find themselves trammelled in carrying out their own affairs with that freedom which they wished. It is a fact which cannot be denied, that the members of the Church of England in Canada, in Nova Scotia, and in the Australian Colonies have been petitioning for greater freedom. And what has been done? In two dioceses—namely, the diocese of Melbourne and the diocese of Adelaide—the members of the Church of England had formed themselves into Church societies in order to make such regulations as they deem necessary for the government of their Church. These two dioceses have, then, been led by the urgency of the case to try the experiment. I have in my possession proof that they are deterred from taking the same course in other dioceses from doubts as to the state of the law in their regard, and from an expectation that we shall set them free to manage their own affairs. These demands have been pressed year after year upon our attention. Instead of refusing these demands, which I believe to be both reasonable and just, I think the wiser course will be to endeavour so to shape our legislation as to make it harmless in itself, while we consent to give them greater freedom, and that such freedom should be given in such a manner as not to violate their connection with the Church of England and Ireland. Under these circumstances, the course I propose to take, and which I hope will be generally supported, is not to make any objection to the second reading of the Bill, but to reserve to myself the right—and I now give notice of my intention when in Committee—to move several very important additions. This Bill has been considered by some able and competent lawyers, who have pronounced their opinion of the measure, which opinion I now hold in my hand. They say, that in any view of the case, they think it would be very necessary that the intentions and the objects of the Legislature should be clearly expressed. I don't think that the Bill, as it stands, is at all clear. I think that there are three points that are left open which must be clearly guarded by Parliament—first, the supremacy of the Crown; second, the unity of the Church—that is, to take care that any powers given by this Bill shall not be exercised so as to interfere with the standard of faith and doctrine of the Church; and, third, to reserve to the Colonies what they expressly desire, namely, the continued power of appeal to the highest ecclesiastical authority in this country. I think that these three points should be carefully preserved. I am not disposed to think that this Bill, if so altered, will have an injurious effect, although I doubt very much whether it is the best shape which our legislation could take. I think, however, that if certain clauses were added to it, for the preservation of those important points to which I have referred, the Bill would be rendered somewhat more complete for the attainment of its object. It is my intention, therefore, when in Committee, to submit to their consideration such clauses as I shall then think it necessary to move.

Mr. WARNER said, he thought that, when last year the Parliament of this country had passed the measure by which the control of the clergy reserves in Canada had been given to the local Legislature, we had announced our determination not further to interfere in the Church affairs of our Colonies. At all events, whether Parliament would or not, they would be forced sooner or later to carry out that principle. He believed this Bill would be grossly abused. The clergy of the Church of England, both in the Colonies and elsewhere, had determined to rule without the laity, and their authority, he feared, was sure to be misused.

Mr. R. J. PHILLIMORE said, he was satisfied that the apprehensions which had been entertained as to the consequences of this measure were entirely groundless. If hon. Members looked at the first and only clause of this Bill, they would see there was an express provision for the representation of the laity of each diocese in this proposed assembly. The simple object of the Bill was to put the Church of England in the Colonies in the same position as every other voluntary society there was placed. He agreed that it was most desirable that the Church of England in the Colonies should assume a voluntary form, but he objected altogether to the kind of tyranny which the hon. Member for Sheffield (Mr. Hadfield), no doubt unwittingly, sought to exercise in regard to them. The hon. Member said at one moment, that the Church of England in the Colonies was a voluntary society, while at the same time he refused altogether to remove from them disabilities passed in the time of Henry VIII. and of Queen Elizabeth, when we had no Colonies at all, those disabilities now, by a fiction of law, applying to the Colonies. These two propositions were quite inconsistent. He, for one, wishing well to the Church of England in the Colonies, and looking to the facts of the case, and not to any abstract idea of his own, was satisfied that if she were to take root downwards it would be owing to the voluntary exertions of those who were attached to her doctrines and who believed in her faith. It was because this Bill recognised the Church of England as a voluntary association, and because it proceeded to remove from her disabilities which by a fiction of law attached to her, that he gave it his hearty support. With regard to what had been said by the right hon. Baronet opposite (Sir J. Pakington), he thought it impossible, by any construction, to suppose that the supremacy of the Crown, or the virtual unity of the Church, would be impaired by the language of this Statute. The House, therefore, would see that it was in reality called upon to do a bare act of justice, and he trusted they would give their assent to the second reading of this Bill.

Mr. HUME said, after the contradictory statements as to the objects of the Bill to which the House had listened, he considered that it was quite necessary to call for some explanations as to what was intended by this measure. They had heard that two of the Australian dioceses had been formed into a society for their own independent government, and if this had been done, what was it that prevented the same course from being taken in other dioceses? To say the least of it, this looked suspicious.

Mr. WIGRAM said, he could conceive that nothing could be more unfortunate than that a meeting, constituted of the bishop, a portion of the clergy, and a portion of the laity of any colony, deeming themselves competent to pass regulations, should do so, and then find the validity of those regulations afterwards becoming matter of litigation. This would have the effect of splitting up the Colonial Church into two portions, and he should like to know from the hon. and learned Solicitor General whether any such contingency was guarded against in the Bill?

Sir GEORGE GREY said, he was one of those who, having read this Bill carefully and listened attentively to the discussion with respect to it this evening, not only was at a loss to know what was the legal effect of the measure, but what was the object of its introduction. Would the hon. and learned Solicitor General be good enough to state, for the information of those hon. Members who had no desire whatever to oppose the Bill, what the precise disability was which the measure proposed to repeal, and, in addition, give an answer to the important question of the hon. Member for the University of Cambridge (Mr. Wigram), as to what would constitute a legal meeting? He wished to know the extent of power which would be given to this meeting as to the control and management of what were termed "ecclesiastical affairs"—whether that power would extend to questions of faith and doctrine, or whether it would embrace those matters only which related to the temporalities of the Church; whether, if their power related to questions of faith and doctrine, a meeting of the bishops, clergy, and laity could make alterations of that sort without appeal, so that in every colony there might be a different standard of doctrine and a different form of Church Government, under the provisions of this Bill? He wished also to be informed, as the regulations, agreements, or arrangements emanating from this meeting were not to derive any force or authority from the enactments of this Bill, how it would be in the power of the ecclesiastical authorities in the Colonies to enforce obedience to their regulations?

The SOLICITOR GENERAL said, he regretted very much that when he applied for leave to bring in this Bill, the House had not derived, from the short statements he then made, a sufficient explanation as to its necessity and objects. He would now endeavour to give a further explanation. The necessity of the measure arose in this way—at an early period of the Reformation, and in the 25th year of Henry VIII., it appeared right to the Parliament of this country, acting under the influence of that Monarch, to vest in the Crown an absolute power of prohibiting any meeting of the clergy whatever. Accordingly a Statute was passed, not only expressed in a very oppressive manner, but, interpreted, as it would be, by the guides to the meaning of the Legislature afforded by the preamble of the Statute, making it unsafe for the clergy to meet in any form, for the purpose of devising regulations or entering into any agreement touching ecclesiastical matters, unless they were convened for that purpose by the express antecedent authority of the Crown. Not only could the clergy not meet without the authority of the Crown, but, if they passed any resolutions, or ordinances, at such meeting, those ordinances would have no effect whatever. The House would therefore see that, when a bishop and clergy were sent out to the Colonies, they were bound by that Act, because the Statute, which was declaratory of the common law, defined in this respect the legal relation between the Crown and the clergy, and became part of the supremacy of the Crown as declared, first by the Statute 26th of Henry VIII., afterwards repealed, and then by the 1st of Elizabeth. Accordingly, when the Statute of Elizabeth declared in effect that the supremacy of the Crown in ecclesiastical affairs should extend to all the possessions of the Crown, whether colonial possessions or conquered countries, the clergymen sent to those districts were bound by this tie to the Crown, and were subject to those disabilities which it was the object of the present measure to remove. Under the present law the clergymen who were sent to the Colonies were bound by a chain, and were unable to meet, in order to do that which every other religious community in the Colonies had the power of doing — to substitute, where no law was in force, mutual agreement and consent. The result was, that the clergy were totally unable to carry out the objects for which they were sent to the Colonies, and it became absolutely necessary to place them in the same position as that enjoyed by dissenting ministers, and to give them the liberty of meeting for the purpose of regulating the ecclesiastical affairs of the Church. With regard to the relations at present existing between the clergymen in the Colonies and the colonial bishops, these were in such an unsatisfactory condition as to render some legislation absolutely necessary. A clergyman in any of the Colonies had the benefit of his endowment, and possessed the power of exercising his sacred functions only so long as he held a title from the bishop of his diocese; and the consequence was, that, if any complaint or accusation was brought against a clergyman, the matter was decided by the bishop alone, and not, as in this country, by a regularly appointed tribunal, according to an established form of law. The bishop thus became the sole autocratic power, and the clergyman had no means of having any accusation which might be brought against him tried in a satisfactory manner. The consequence of such a state of things could not but be injurious as tending to impair the discipline of the Church. With regard to the Church temporalities, the state of things was at present even still more unsatisfactory, inasmuch as it was impossible that any system for the improvement of churches or to supply the means of supporting clergymen would be satisfactory, unless it could be subjected by mutual agreement to those regulations which might be necessary. The Methodists in the Colonies regulated their Church affairs by means of trustees, and, indeed, every sect of Dissenters were able to come to some arrangement by virtue of which they could lay down some form of procedure. The Church of England laboured under disability and suffered inequality by reason of that law which bound her clergy not to hold meetings without the consent of the Crown, and they were therefore placed in a disadvantageous and vexatious position as compared with the ministers of other persuasions. While the present Statute remained unrepealed, clergymen were sent to the Colonies, who, instead of having free and voluntary action, were in reality bound hand and foot by an imperious law. These were the general legal necessities for the introduction of a measure like the present, and with regard to the moral necessity and propriety of placing the clergymen of the Established Church in the same position which was enjoyed by the ministers of other persuasions, he did not think that there could be any dispute. He believed that it was a great and a sound principle to leave to the colonial clergy the free liberty of regulating their own ecclesiastical affairs, by freeing them from the effects of what he considered to be a most injurious enactment. It had been suggested that a difficulty would arise from the fact that the Bill did not contain any provision defining what was to be considered a legal meeting; but if he were desirous of pointing out any one particular in the Bill more deserving of approbation than another, it would certainly be that it contained no provision by which any attempt was made to give a legal character or description to meetings of the clergy and laity in the Colonies. It was not intended to constitute or define what should be a legal meeting; all that was intended was to remove a chain which interfered with the voluntary and free action of the Colonial Church. With regard to what had fallen from the right hon. Baronet the Member for Morpeth (Sir G. Grey), the answer to the question which he had put could be given very shortly. It would be competent for a meeting of the clergy and laity assembled in any colony to do by agreement everything which it was lawful for them to do, but it would not be competent for them, by virtue of mutual consent, to do anything of an illegal nature, or anything which would in the slightest degree affect or impair the law of the land; the whole object of the Bill, in short, was to free the Colonial Church from a disability under which it laboured, but not in any way to give the colonial clergy and laity assembled at a meeting the power of interfering with the laws of the realm. They would be no more able to affect the supremacy of the Crown than to declare that they were exempt from the operation of all law. He must beg the House to remember that the bishops and clergymen sent to the Colonies could not, as members of the Established Church, remove the tie which connected them with the Crown, and that from that very circumstance the supremacy of the Crown in the Colonies could not be endangered by allowing them the power of meeting for the purpose of regulating the ecclesiastical affairs of the Colonies. With regard to another question which had been put to him by the right hon. Baronet (Sir G. Grey), as to whether these meetings would have power over questions of doctrine and faith, it admitted of precisely the same answer. Matters of faith and doctrine were already established by law, and these meetings would have no power to make any ordinances which should directly or indirectly alter the existing laws. The present measure would, in fact, do nothing more than remove a restriction which was found to be injurious, and would give to the clergy of the Colonies the power of substituting the force of mutual consent and agreement in the place of that ecclesiastical law which exists in England, but which has not been established in the Colonies.

MR. T. CHAMBERS said, he confessed that he was in much greater doubt and difficulty since the explanation of the hon. and learned Solicitor General than he was before. He would now ask the hon. and learned Gentleman whether, after the passing of this Bill, if it did pass, the United Church of England and Ireland in the Colonies would be a free or an established Church; or whether this was not an attempt to effect an impossible, or, if not impossible, yet a most disadvantageous compromise between the two? He would contend, with as much energy as the hon. and learned Member for Tavistock (Mr. R. J. Philimore), that if the United Chuch in the Colonies were a free Church, nothing could be so monstrous and unfair as for Members of that House who happened to dissent from that Church to stand up and justify that free branch of the United Church being left under a bondage which it ought not to endure. The question was this—and the Solicitor General had not answered it, but it was a question which everybody throughout England would be asking—"What position would the Church occupy which was affected by this Bill if it passed into a law?" If it were a free Church, if it were a purely voluntary association, then the Bill must be altogether unnecessary, as unnecessary, indeed, as it would be to pass such a Bill for the purpose of enabling the Baptists, Independents, or Wesleyan Methodists, to meet and make arrangements for the regulation of the affairs of their respective communities. "But," said the hon. and learned Solicitor General, "it is not so;" and the reason was, that in the reign of Henry VIII., and also in that of Elizabeth, Statutes were passed which bound the bishops and clergy of the United Church of England and Ireland not to meet together for any purpose without the consent of the Crown; that upon the wording of these Statutes the obligation followed all the individuals to the Colonies, and that thereby they were bound. His (Mr. T. Chambers') answer to that was supplied by the Bill itself. Look at its title—"A Bill to relieve the Clergy of the United Church of England and Ireland resident in the Colonies from any Disability," not stating what—"as to the holding of meetings in such Colonies for the regulation of Ecclesiastical Affairs therein." Now, then, refer to the preamble. That surely ought to recite the disability; then the House would be able to see that the enactment was adapted to meet the difficulty, and no more; to remove the disability, and no more. He should have expected it to begin in some such way as this:—"Whereas, by an Act passed in the reign of Henry VIII., and by another Act passed in the reign of Elizabeth, such and such a thing was provided, and whereas by those Acts it was unlawful to do so and so; be it therefore enacted." But it did nothing of the sort. Let the House listen to this well-considered and dexterously-drawn preamble. It ran thus:—"Whereas, by reason of the Laws, Statutes, and Ordinances, which affect or bind the bishops and clergy of the United Church of England and Ireland"—some disability or hindrance to their meeting exists? Not at all; but—"doubts may exist." Why, there were no laws or Statutes in existence with reference to which that might not be predicated, and very lucky was it for the learned profession that it was so. But the preamble was thus drawn because the hon. and learned Gentleman who drew it could not lay his finger on a line of the Statutes which, in his own judgment as a lawyer, convinced him there was a doubt. If these bishops and clergy in the Colonies were under a disability imposed by Statute, that disability ought not to be removed; if they were not, then there was no reason for the Bill; and it was on the ground of that alternative that he should oppose the measure. If the bishops and clergy in the Colonies were bishops and clergy of the United Church of England and Ireland within the meaning of the Statute, nothing would be so unwise and impolitic as to remove the restrictions, and the present was a most unlucky time to propose it. But if they were not—if the Church in the Colonies was simply a free Church—then the Bill was, he repeated, utterly unnecessary. Would the hon. and learned Solicitor General venture to predict what would be the consequences of the measure? Observe the largeness of terms employed. It was to regulate ecclesiastical affairs within each province or diocese. What was the nature of the regulations? what was to be their force when made? what the construction of the body which was to legislate? what the apparatus to be set up for enforcing the regulations? Upon all these most vital points the House was to be left in entire ignorance. This experiment was to be made in the Colonies, as they must all know, not to relieve the clergy from a suppositious disability, but to establish a precedent which might be followed in this country with fatal effects. One of the Amendments suggested by the right hon. Gentleman the Member for Droitwitch (Sir J. Pakington) would, he (Mr. T. Chambers) believed, do grievous mischief if it were adopted. The right hon. Gentleman said the Bill ought to contain a power of appeal from the Colonial Churches to the highest ecclesiastical authority at home. But what was this but to lay a foundation for the very same evils against which we had remonstrated for ages in this country, and against which we were remonstrating at this moment, with reference to the Roman Catholic Church? For his part he did not consider that the United Church of England and Ireland was wanted in the Colonies. They might have their bishops, they might have their Episcopal Church there if they pleased; but let that Church be independent—an integral native Church, owing only that kind of affectionate allegiance to the United Church of England and Ireland which was due to the institution to which it owed its existence.

Mr. MOWBRAY said, he thought the hon. and learned Solicitor General had conclusively demonstrated to the House not merely that doubts might possibly exist, but that doubts were actually entertained by high legal authorities in this country, and that those doubts had been expressed at different times by those high legal authorities on each side of the House, and from time to time been pressed by them upon successive Secretaries of State and various Governments, with regard to the power of the colonial Churches to regulate their own internal affairs. He was sure the hon. Gentleman who had moved the Amendment must have laboured under a total misapprehension of all the facts, when he said that the measure was unsolicited by the Colonies. Knowing something of the strong feeling which prevailed amongst colonial Churchmen—alike bishops, clergy, and laity—upon the subject, he (Mr. Mowbray) could take upon himself to assert that the measure was one which they had deeply at heart, and one, moreover, which they had earnestly solicited at the hands of different Governments. The hon. and learned Member for Hertford (Mr. T. Chambers) asked, What is this United Church of England and Ireland to the Colonies? If it be a free Church, your Bill is unnecessary; on the contrary, if it be a Church in the same position as the Church at home, then it is opposed to sound policy to remove the disability complained of. Now it might be difficult, perhaps, to define the precise position of the colonial Churches and the precise connection which subsisted between those Churches and the Church at home at the present moment. But, surely, it could not be impolitic to remove a disability merely because they could not exactly define the position in which the Church in the Colonies was to be classified. With regard to endowments, the Colonial Church was in the same position as any independent voluntary body in this country. The only case in which it possessed an endowment was, he believed, in Canada; but the Imperial Parliament surrendered to the Colonial Legislature all authority and control over that endowment in the last Session of Parliament. So far as endowment was concerned, then, the Church in the Colonies was an entirely free Church. But even if it were not a free Church, the argument advanced to-night by the hon. and learned Member for Hertford as to what might be the policy or the feelings of the people of England with reference to the disabilities with which the Bill proposed to deal, was not the argument by which such a measure ought to be met. He should have thought that upon a colonial subject the question would have been, not what was the feeling of the people of England, but what the members of the Church in the Colonies desired to be done. An objection was raised to legislating upon the subject, on the ground that in some of the Colonies meetings had taken place already. True, that had been the case in Canada and the Australias, where so strong was the feeling with regard to the wants of the Colonial Church, that, legal or illegal, the meetings had been held. At the same time he had been assured by persons who were concerned in those meetings that the greatest difficulty was experienced respecting them, that many conscientious men had declined to attend meetings, the legality of which might be doubted; and that whilst such doubts prevailed amongst high authorities in this House upon that point, it was competent to those who were opposed to those meetings to question their legality, and cast ridicule and contempt upon them. If the Legislature desired to do justice to all the various interests of the Colonies, and to extend to the Church there the same privileges as they were prepared to give to any other religious society, they would now pass some measure on this question, which had been brought before Parliament many years since, which had occupied much of the thoughts of colonial Churchmen, and with respect to which the present Bill proposed a remedy, if not the best, still one recommended by the Government and calculated to lead to some benefit.

MR. KINNAIRD said, he was one who had taken part in the rejection of the Bill of last Session, but he was bound to say, that he did not consider the Government had treated that measure cavalierly. The Chancellor of the Exchequer made the best fight he could for it, and it was only upon the representation of the Solicitor General, who considered it to be vicious and obnoxious, that the Government, acting, as he believed, in perfect good faith, withdrew the Bill. The measure now upon the table was, in his opinion, infinitely better than the one of last Session; still, he thought the objections of the hon. and learned Member for Hertford—and the suspicions raised against the measure of last Session—had not been satisfactorily removed, and he should therefore oppose the second reading.

MR. NAPIER said that, though he had listened attentively to the explanations of the hon. and learned Solicitor General, he had not been able thoroughly to understand this measure. He therefore thought that the most correct and consistent course which he could take, would be to wait until the third reading, to see what changes were made in the Bill, and whether he could then understand it, and then to give his vote according as seemed best. As far as he could see, this would be a very harmless Bill; but he should have preferred that of last Session, because it was definite, and said exactly what power was to be given. He was fully of opinion that it was necessary that some power should be given to the Church in the Colonies, but he thought that that House ought to say specifically what power it was giving, and not legislate in a blind manner. He had to apologise to the House for not giving a vote, but, not being able to understand the Bill, he thought it most discreet to abstain from voting upon it.

MR. WALPOLE said, that it was clear to his mind, and would be clear to the mind of any hon. Gentleman who had read the five or six papers with reference to the Church of England in the Colonies which were presented in the years 1850 and 1851, that that Church laboured under incapacities and disabilities which it was highly necessary for the Legislature to remove. He would give two illustrations, taken from these papers. In the first place, if a clergyman of the Church of England had very much misconducted himself, there was in the Colonies, as was evident from the papers he had referred to, no power for the heads of the Church to remove him from the preferment to which he had been inducted. In the second place, if a clergyman thought he had a right to do certain things which the bishop disputed, it was in the power of the bishop to deprive him of his licence, which deprived him of his salary, and he had no remedy without coming to this country to make his appeal. Here, then, were two practical grievances that required a remedy. And what was the remedy now proposed? That the members of the Church of England, clergy and laity, who went to a colony, should be enabled to meet together in the same way as any body of Dissenters could meet in the Colonies for the purpose of regulating their own matters for themselves, and that they might not be exposed to the inconveniences which he had pointed out to the House. The Bill he must say was an extremely difficult one to draw, and it was desirable that time should be given to the House, in Committee, to consider whether the clauses as they now stood were likely to carry out the objects of the framers without interfering with the law of England as applicable to the Church and to the supremacy of the Crown and the Statutes of Uniformity. But he could not understand any hon. Gentleman's wishing to vote against the Bill, when there were such palpable grievances as those he had mentioned, and refusing to go into Committee to consider how those grievances could be remedied; unless, indeed, that, being a Dissenter from the Church of England, he wished to withhold from it the liberty which he claimed for his own denomination. And he (Mr. Walpole) must say such a proceeding reminded him of a passage in our history when those who held opinions similar to those of some of the opponents of this Bill, using the name of religious liberty, gained the upper hand in the State, and then refused to the members of the Church of England the right of using its own Prayer Book.

MR. MIALL said, he wished to explain the reason why he must vote against the second reading of this measure. He wished to extend the religious liberty of all denominations, and even of that denomination which he thought inflicted on the Dissenters of this country great injustice and wrong. But when it was said that the Church of England in the Colonies desired to be placed simply on an equality with the various voluntary bodies there, then he asked whether the Church of England in the Colonies would be placed by this Bill in exactly the same relation with respect to precedence and privilege as the other Colonial Churches? If there was no connection between the Church of England in the Colonies and the United Church of England and Ireland, then there could be no reason why they should not most gladly give her all the licence she required; but it was because there was a political tie and connection between the two Churches that this measure was required, and the bringing forward of this very Bill showed that it was wished to maintain that connection, otherwise the Church of England would already have all the liberty which the voluntary sects enjoyed.

Lord JOHN RUSSELL: Sir, I wish to say a few words, in order simply to explain what will be my object in voting for the second reading of any Bill of this kind. It is merely with the view that the Church of England in the Colonies may have the same power of regulating their affairs as other religious bodies have. The hon. and learned Gentleman the Member for Hertford (Mr. T. Chambers) says that he is quite willing to consent to such a Bill if the Church is entirely a colonial Church, and is confined in its whole operations to the Colonies, and separated from the Church of England at home. But that is not the liberty which other communions enjoy in the Colonies. The Church of Rome in the Colonies of the Crown has its own meetings and its own regulations, but they are meetings and regulations which are subject to, or connected with, the decision that the head of that Church may come to, and any laws which he pleases may be passed binding on that Church. Again, the Church of Scotland in the Colonies, and, I imagine, also the Free Church of Scotland, have their assemblies; yet those Churches have connections and very important relations with the Church Assemblies sitting in Scotland, or with the Assembly of the Free Church of that country. So, in like manner, with the Wesleyan bodies in the Colonies. As Secretary of State for the Colonies, I had frequent occasion to speak with them on such subjects. They have meetings and conferences, but they are connected with the Wesleyans of this country; and members of the Wesleyan body are often sent from this country in order to take part in the ecclesiastical affairs of the Wesleyans in the Colonies. But what, then, is the justice of the case? The Roman Catholics in the Colonies may be connected with their Church in Europe—the Scotch Church there may be connected with their Church in Scotland—the Wesleyans may be connected with their body in England—but members of the Church of England in the Colonies are precluded from holding Church assemblies, because of their connection with the Church of England in this country. But then the hon. Gentleman who spoke last gave us to understand that he would agree with the Bill if there were no political connection. Now, I do not imagine that there is any political connection between the Church which is established in this country and the Church in the Colonies. I believe that no such political connection exists. The only tie between them is their general agreement in respect of matter of doctrine and faith; and, further, there is a bishop who is appointed by the Crown in this country. It seems to me, therefore, that it is right to relieve the laity and clergy belonging to the Church of England in the Colonies from any disability inflicted by Statute. I consider it quite right to maintain these disabilities in this country, because the Established Church is connected with the State, and it is proper that the State should have that control over the members of the Established Church. But with regard to the Colonies there is no reason for maintaining such control. There is no reason at all why you should retain that control which you have owing to certain doctrines respecting the supremacy of the Crown that are held in this country. With regard to the necessity for this Bill, there is, at least, I believe, an established case in which the clergy of the Church of England in Massachusetts, about a century and a half ago, wished to meet. They applied to this country, through the Governor of the Colony, for leave to do so, and they were told, after the opinion of the law officers of the Crown had been taken—and at that time one of those law officers was no less a man than Lord Hardwicke—they were told that they could not have that liberty, and would not be allowed to meet as a clergy. Now, I think that this restriction should be removed, and removed by Statute. As to the provision which the right hon. Gentleman the Member for Droitwich (Sir J. Pakington) proposes to introduce, I wish to say not a word on that subject now. I think it is a question worthy of consideration, when in Committee, in what manner this restriction should be repealed; but that is not the question we have to decide to-night—we have now to say simply, whether we shall give the Church in the Colonies freedom to meet on its own affairs.

Question put, "That the word 'now' stand part of the Question."

The House *divided*;—Ayes 196; Noes 62: Majority 134.

Main Question put, and *agreed to*.

Bill read 2°.

PREVENTION OF BRIBERY AT ELECTIONS—

CANTERBURY BRIBERY PREVENTION.

THE ATTORNEY GENERAL, in rising to move for leave to bring in Bills for the prevention of bribery in the election of Members to serve in Parliament for the city of Canterbury, and for the boroughs of Cambridge, Barnstaple, Kingston-upon-Hull, and Maldon, said that in all those cases a manifest necessity existed for bringing the results of the Commissions which had inquired into them under the consideration of the House; but as all the cases helped to throw light upon one another, and served to render manifest the necessity for the measures he was about to submit, he thought it would be more convenient and more economical of the House's time in the end, if he called its attention at once to the whole subject connected with those boroughs, instead of going into the details of each case by separate addresses to the House. The Reports made by the several Commissioners appointed pursuant to the provisions of the Act 15 & 16 *Vict.* c. 7, had been for some time before the House, and no doubt most hon. Members had made themselves generally cognisant of their contents; it was not, therefore, necessary for him to advert to details, or to do more than shortly call attention to those facts which bore a more immediate relation to the provisions of the Bills which he was about to ask leave to introduce. The first case to which he would refer was that of the city of Canterbury. It appeared, from the Report of the Commissioners, that the population of the city of Canterbury within the electoral area was 19,000. The constituency was 1,583, consisting of 637 householders and 946 freemen. The Commissioners reported that corrupt practices had extensively prevailed at the last election, and also at previous elections. They stated that for some time the system of bribing and corrupting the electors was by giving them colour-tickets. Each voter was allowed to name two persons, each of whom received 10*s*. In another part of their Report the Commissioners said:—

> "The money bribery was on a large scale. The result was a general demoralisation of the minds of all those who had anything to do with it, the ordinary distinction between *meum* and *tuum* was constantly confounded, and it was no uncommon thing to find a large proportion of the money destined to bribe a voter sticking by the way in the palm of the individual who was selected to give the bribe. The leaders of the parties did not themselves bribe; they were ready with the money for those who were ready with the voters. Electors met in a public-house, and set their votes at so much a head; the lot or batch was then sold, and the agent between the voter and the briber generally netted a pretty sum out of the transaction. . . . There was one family of the name of Styles, who invariably voted together, but never employed an agent. They dealt directly with the principal—their price was always 10*l*. per head; the number in the family was from nine to ten, and they received from 90*l*. to 100*l*. each election for the votes of the family. In the year 1841, when there were two elections, they netted above 200*l*. by the sale of their votes."

The facts disclosed were a flagrant scandal upon the constituency of Canterbury. It appeared that at the election in 1841 there was spent between the two candidates no less a sum than 11,000*l*. to corrupt the constituency of this city. At the election in 1847 the expenditure was not so large, but it nevertheless amounted to nearly 5,000*l*., 3,000*l*. of this sum being expended on the one side, "of which," said the Commissioners, "a very considerable portion went in direct bribery," but they were unable to state precisely the amount; but, on the other side, they said, "it was proved that 500*l*. was expended in direct money-bribery." Out of 1,500 voters no less than 155 received direct bribes at that election. In 1852 what occurred was not quite so bad, because bribery was only practised on one side. By the side on which bribery was committed a sum of 2,350*l*. was expended, of which 1,000*l*. at least—probably considerably more—was expended in direct bribery. The number of voters who polled was 1,340—the number bribed was seventy-nine, of whom sixty-seven were freemen and twelve were householders; these received direct money-bribes. Thus much for the city of Canterbury. He would now pass on to Barnstaple, where another harrowing picture of corruption was exhibited. The population of that borough was 11,371—the constituency 754. At the last election (1852) the number of voters polled was 696, and of these no less than 256—being upwards of one-third of the whole—received direct money-bribes as the price of their votes. There were three candidates; the losing candidate was in a minority as regarded the first candidate on the poll of seventy-four, and as regarded the second candidate of sixty-one. Before quoting the observations of the Commissioners, he wished to state that he was extremely anxious not to mention the names of the parties into which the borough was divided, nor the names of individuals. It was quite sufficient to expose the system, without doing anything that would be offensive to any individual. The Commissioners said that—

> "The general mode in which the bribery was effected was by means of what were called 'lists.' One of the more prominent members of the Conservative party would ask a voter if he should put his name down on his list, and, upon receiving an assent, it was understood that if any money was spent in bribery the voter was to have his share, through the agency of the party upon whose list his name appeared. This was usually done before the day of election, but no particular sum was mentioned at the time. Afterwards the wife of the voter, in some cases, would find 6*l.*, in a very mysterious manner, upon her table, about which as little as possible was said by her to her husband. In some instances the voter himself would be paid, with the remark, 'Here is something for you;' but all mention on what account the money was given was most studiously avoided. The majority of the bribed voters appear to have endeavoured to satisfy their consciences by receiving the bribe under the name of expenses."

In the case of Barnstaple, however, he was bound to say that the case made out by the Commissioners was not so strong as it might have been if they had made a more complete investigation; but they were obstructed by a provision in the Act of Parliament, which provided that where a pure election without bribery had taken place in any borough, it should not be competent to go into any inquiry as to practices at any preceding election. That clause was not in the Bill when it passed the House of Commons, but was inserted elsewhere, and it was a very convenient provision, no doubt. The Commissioners were not able, therefore, to go into an inquiry as to any election prior to 1852, because at the election of 1847 the candidates on both sides, sick and wearied of the system hitherto pursued, determined

The Attorney General

not to bribe, and they did not; consequently the Commissioners could not carry their investigation beyond the election of 1852. But nobody could entertain the slightest doubt that the election of 1847 was an exceptional case, or of its being notorious that Barnstaple had for many years been as corrupt a borough as could possibly be conceived. That appeared clear enough from the Report of the Commissioners, who in one part of it said:—

> "At one time there appears to have been an apprehension in the minds of some of the electors that no money would be spent, and several of them became alarmed lest the ancient practice of bribery should fall into disuse. They assembled, therefore, at a public-house, and drew up an advertisement, inviting a candidate to come forward with the professed object of creating a contest, and of thus procuring bribes for the electors. They did not care of what politics the candidate might happen to be so that they succeeded in obtaining a third man. A subscription was made, and an advertisement was forwarded to the *Times* newspaper, but it was returned by the editor, and the subscription was refunded, *minus* the expenses."

This was prior to 1847, but as far back as 1819 it had been proved that a system of bribery and corruption prevailed in the borough of Barnstaple, for a Bill was introduced into the House of Commons in that year upon the subject, in which Bill it was declared that there had been bribery and corrupt practices in the borough of Barnstaple at the then last election, and that it was necessary some means should be adopted to put a stop to such practices. It was, therefore, enacted that a district of the county should be thrown into the borough. That Bill passed the Commons, but not the House of Lords. It served, however, to establish the fact that in 1819 a system of bribery and corruption prevailed in the borough; and the Commissioners had reported that in 1852, out of a body of less than 700 voters, 256 received bribes. So much for Barnstaple. He would next advert to the borough of Maldon, where an extensive system of corruption had been shown to prevail. The population of Maldon was 5,470, the number of the constituency 845, of whom 235 were 10*l.* householders, and 635 were freemen, a large proportion of whom resided out of the borough, but within the seven miles limit. Prior to the Reform Act the right of voting was exclusively vested in the freemen, and previously to 1826 that body had dwindled down to a very small number—about fifty. But it appeared that in that year the town became divided by two rival candidates, when 2,000 freemen were immediately admitted, whose expenses were paid by those two candidates, who on that occasion expended, on a borough containing a population of only 5,470 souls, no less a sum than 30,000*l.* With regard to the election of 1847, bribery, direct and indirect, was practised, and treating took place to an unlimited extent. It was stated in the Report that in the charges for treating there was included an item to the two candidates who stood together on the same side of no less a sum than 2,150*l.* for beer alone. The Commissioners, in referring to the election of 1852, stated that—

> "Bribery, direct and indirect, was practised at least on behalf of one of the candidates, and that in an undisguised, and, indeed, ostentatious manner."

They reported that seventy-five persons received direct bribes. The Commissioners said:—

> "Upon a review of the whole evidence taken by us, we come to the conclusion that corrupt practices, in various forms, have long prevailed at elections for the borough, and that open and direct bribery was practised at the last election to a greater extent than at any which preceded it. We also find that a large portion of the electors, consisting chiefly of the poor classes of freemen, have, in giving their votes, been influenced, not by the political or personal recommendations of the candidate, but by considerations of money or other benefit to themselves, and that such influences have been habitually employed to corrupt them; but we cannot forbear adding, as our opinion, that the blame of such corruption rests not so much with them as with their superiors, by whom the temptation to it was held out."

In that remark he most heartily concurred; but, at the same time, that did not dispense with the necessity of his calling on Parliament to purify the constituency of that borough by introducing among them a purer system of election. There was another circumstance mentioned in the Commissioners' Report which deserved to be noticed. They had heard a great deal about the necessity and expediency of putting the bribery oath to the voters; but he certainly was of opinion that it produced very little, if any, good effect. And what said the Commissioners on that point? They observed that—

> "Having in the course of the foregoing statement shown the influence of bribery upon the votes of so large a portion of the constituency, it would be improper to pass unnoticed the fact that at the election of 1852 the bribery oath was tendered to each voter as he came to the poll, and that it was freely taken by all, however recent, open, or unquestionable the bribe to them may have been; and this shamelessness was in some cases increased by their becoming witnesses before us of the double fact of their own bribery and perjury."

The next case which he would bring before the House, was that of the borough of Kingston-upon-Hull. The constituency of that borough was 4,698, 3,184 being householders, and 1,494 freemen. The Commissioners gave some details of the elections of 1841, 1847, and 1852. At the election of 1841, there was expended the sum of 10,540*l.*; of this sum the Commissioners came to the conclusion that 4,000*l.* was expended in payment of the voters under the system which still existed, which was a system not of direct bribery. Formerly head-money was paid to the voters. Every man got 4*l.* for a double vote and 2*l.* for a single vote. It was felt that that system would not do. It was too open, and, therefore, they had recourse to another mode equally pernicious—namely, a system of colourmen, and of other employments; but the system of corruption was just as prevalent as at any previous period, and the employing of men to carry colours and to perform other assumed offices was only another mode of bribery. At the election of 1841, the number of voters that polled was 3,583; the number of voters paid, or, in other words, bribed, was 1,300. In the year 1847, the contest was shorter, less active, and less expensive than in 1841, nevertheless there was expended at that election 6,840*l.*, out of which the Commissioners said that 1,650*l.* was spent almost in direct bribery, besides a sum of 1,200*l.*, of which the Commissioners could not obtain any account. The number of voters polled was 3,618, and of that number there were paid or bribed no less than 1,175. At the election of 1852, the Orange party expended 4,990*l.*, and the Blue party 3,631*l.*, making together 8,621*l.* Out of this sum there was paid in the shape of what was called wages to voters on the Orange side, 2,235*l.*, and on the Blue side, 1,300*l.*, together 3,535*l.* The number of voters that polled was stated to be 3,983, of which number it was assumed that not less than 1,350 were bribed. So much for Kingston-upon-Hull. The next and the remaining case, the last but not least, to which he would call the attention of the House, was that of the notorious borough of Cambridge. That borough contained a population of 28,000, of whom about 1,887 were voters; but out of that number from 150 to 200 of them never voted at all, being apprehensive that they should injure their interests by so doing;

the number of the constituency was really between 1,600 and 1,700. Before the Reform Bill this was a constituency of freemen, and he was sorry to say that they here had a specimen of what 10*l.* householders were liable to become when once corruption had been introduced among them. It seemed that at first, after the passing of the Reform Bill, the electors had been proud of their franchise, and had exercised it in a straightforward and honest manner; but four successive elections having resulted in the success of the same party, the other party—he would not say which—had then had recourse to corruption, and had organised a most complete system, of which he would give some details, for the purpose of tempting and corrupting the voters. Samuel Long, whose name was notorious in the annals of Cambridge bribery, and would long be remembered in that borough, appeared to have been the master-mind of this system, and he was employed almost exclusively in tempting, or rather, at first, in sounding, the voters. He would go to public-houses, mingle with the poorer voters, lead them on to the discussion of political matters, and, when he had heard their opinions, he would suggest to them that it did not signify a rush which way or for what candidate the poor man voted, but it was his business to see what he could obtain by his vote. He thus ascertained their sentiments and put down in a book the names of any person who he thought might conveniently be tampered with, when an individual, acting on his suggestion, took some convenient moment to sound the same man, and offered him a direct bribe at the first favourable opportunity. If the man swallowed the bait, his name was put down as that of a safe person, and Long entered into communication with him. So completely was the whole thing organised, that the Commissioners reported that, after the first election, a mere look or a gesture on the part of Long, on his calling upon a voter, or having his name mentioned, was sufficient to make the voter aware that his vote was counted upon by Long, and that, if he gave it as Long wished, he was sure of getting his reward for doing so at the proper time. The Commissioners gave an account of several elections, and they reported that corrupt practices had extensively prevailed at the last election. They said:—

> "We have also ascertained that an unbroken chain of corrupt practices, capable to a certain extent of direct proof in detail, has continued upwards until the election of the year 1839 inclusive."

At the election in 1840, upwards of 800*l.* had been distributed in bribery. In 1841, "treating," said the Commissioners, "was carried on to a great extent, and Long distributed between 500*l.* and 600*l.* in direct bribery." In 1843, bribery was also carried on to a large extent, and a very curious incident then took place. A Dr. Bartlett received instructions to go to the Golden Cross, Charing Cross, where he would see a person who would probably deliver something to him. Dr. Bartlett went to the Golden Cross, and there came a mysterious individual who deposited with him a carpet-bag, in which there were 1,000 sovereigns. He took it back to Cambridge and gave it to Long. Between 200*l.* and 300*l.* was also obtained in a similar manner, so that, in addition to the legitimate expenses of the candidates, about 1,300*l.* had been spent in bribing the voters at that election. At the election in 1845, the same devices were resorted to. It seemed that the candidates at that election had clearly established before the Commissioners that they had nothing to do with the bribery that took place, but again an individual had taken 800*l.* to Cambridge, every farthing of which was spent in bribery. The Commissioners stated:—

> "This election (1845) appears to have been most hotly contested, and up to a very late period in the polling the majority was in favour of one candidate. Within the last hour a majority was suddenly obtained for the other candidate, who was eventually returned. We were able to ascertain the means by which this change was accomplished. A number of voters were assembled at a public-house, the Star and Garter, and refused to vote unless money were paid down to them. Some time elapsed before anything was done. At last Long was despatched to secure their votes. He took with him money, and an assistant named Stearne. This man he posted in a room where was a window with part of a pane out and the blind down. The names of the voters were called one by one, and the assistant was supplied with a sum of money (10*l.* in all instances save one, where it was 12*l.*). This he handed out to each individual as he came forward. The hand came through the hole in the window, no other part of the person was seen. Some were bribed at so late an hour that, though they ran all the way, they did not arive in time to poll. On this occasion Long spent as much as 1,000*l.*, and stated—what, no doubt, was the fact—that without his intervention the election would have been lost."

The next election took place in 1847, when, in consequence of the excited state of feeling that prevailed with reference to the question of the Corn Laws, the chances upon one side were so bad that there was no hope of turning the scale by bribery, and no corruption was resorted to. Then came the election of 1852, when 1,600*l.* was contributed by the candidates who were returned, in addition to which 1,250*l.* was supplied from local sources for the purposes of corruption, and out of that sum 800*l.* was paid by Long in direct bribery. The number of voters polled was 1,546, of whom 111 had been directly bribed. The Commissioners also made a statement with regard to the utter uselessness of the bribery oath, which was frequently administered at the elections at which bribery had been practised, and was always taken with one exception—that of a man who was known to entertain conscientious scruples against taking an oath at all. The Commissioners went on to say:—

> "From the best information we were able to obtain, the number of bribed voters throughout the whole constituency never exceeded from 150 to 200; but this, in Cambridge, where the parties are nearly in a state of equipoise, of course enabled the party possessed of the bribed votes to gain the election; and the opinion accordingly seems to have prevailed among all well-informed persons, that it would always have been in the power of Long to secure the return of those candidates in whose behalf he might have been retained. This opinion Long himself also stated with very great confidence. We arrived at the conclusion that the main body of the constituency were themselves not only innocent, but also ignorant, of bribery, except by general report, and that they reprobated and deplored its existence. Some of the bribed voters examined stated that they had no political opinions at all; they were no scholars, they hardly knew which was which, but voted according as they were directed by the person to whom they sold their votes; that 10*l.* was of more service to them than the Members were, and, therefore, that they always sold their votes if they had a chance. Many, it was stated to us by the principal bribing agent, would not take the trouble to vote at all unless paid for their votes. Out of 111 voters, bribed at the election in 1852, who received their expenses, after examination before us, upwards of 30 signed their receipts with a mark, from inability to write."

These were the most important parts of the Reports which he had considered it necessary to bring before the House, and he thought it would be quite clear that the state of these constituencies was a reproach and scandal, not only to themselves, but also to the country at large and to that House; and that, if anything could be done to purify them from venality and corruption, it was the duty of Parliament to do it. Then came the question, what course ought to be pursued? It might be said that general legislation might be relied on, and that they might trust to Acts which now existed or which it was now proposed to pass through Parliament. He owned that he could not bring himself to that conclusion, for he believed that no general legislation on the subject of bribery and corruption would cure the mischief. They had been legislating for the purpose of preventing it for nearly two centuries; they had accumulated Statute upon Statute; they had added oath to oath; they had multiplied penalty upon penalty, forfeiture upon forfeiture; but with what result let the last election of 1852 show. The noble Lord the Leader of the House, it was true, in a Bill now before Parliament, proposed to make every payment illegal except certain payments which were to be made through the lawful agent of the candidate; and the hon. and learned Member for East Suffolk (Sir F. Kelly) had also introduced a Bill upon the same subject; but how could any such legislation as that touch such a case as the borough of Cambridge? It was true that they might attach penalties to sitting Members if they deviated from the rules which they laid down; but how could they prevent friends and political or local partisans from finding money with which corruption might be carried on? He would take the case of Cambridge, for instance, as an illustration. In 1843 a sum of 1,300*l.* was found, and spent in corruption; in 1845, 800*l.* more was found, and disposed of in the same manner; and in 1852, 1,250*l.* had been supplied from local sources. The two candidates, on that occasion, had every disposition to keep strictly within the limits of the law, and they had taken every precaution to prevent abuses of this kind being practised. One of them, a friend of his, Mr. Kenneth Macaulay, appeared, from his examination before the Committee, and from his personal statement, to be most anxious to protect himself against such a result, and he stipulated the sum he should pay. After that, in the course of the election, 200*l.* more was paid, but he knew that Mr. Macaulay was most anxious that nothing illegal should be done. That learned gentleman was rising most rapidly to distinction in his profession; and during the short time he sat in that House he had given very great promise of future eminence. He would venture to say that if he had remained amongst them, or if he should return to them, which he hoped he would do at no distant epoch, he would be an honour and ornament to the House. Here was a gentleman, desiring to keep within the limit of the law, and thinking that he had been returned by proper means, who found that there was a petition against him, and discovered, to his mortification and discomfiture, that his agents and friends had involved him in a breach of the law, the consequence of which was the loss of his seat. This was a lamentable position for a gentleman to be placed in, and some means ought to be adopted to put a stop to such a state of things. He did not believe that this could be done by general legislation; although it might be good, as a preventive, to prevent the introduction of bribery into constituencies, or to stop it where it had not gathered to a head; but when once the mischief had taken root, when a large proportion of a constituency had become corrupt, he did not believe that general legislation would effect a cure. They must, in such cases, have recourse to special legislation, and, either by partial or by total disfranchisement, rescue the borough from the corruption into which it had fallen. What, then, ought to be done with regard to these cases? They had not to deal with such simple and easy cases as those of Sudbury and St. Albans, in which the whole, or, at all events, a large proportion of the constituency was corrupt, and there was not a sufficient number of honest electors to induce them to allow the constituency to remain in existence; for, in these cases, even if 1,000 or 1,100 voters were corrupt, there still remained 3,000 or 4,000 honest persons; and therefore he thought it would be highly inexpedient to disfranchise such places as Kingston-upon-Hull or the county towns of Cambridge and Canterbury. He would not allow any considerations of justice to intervene in the view which he took of the question, as this was not a question of whether they were acting justly or unjustly towards a constituency; for if it were, they would not have been justified in sacrificing the innocent electors of St. Albans and Sudbury. They must only look to what was consistent with the common weal—with the national good, as regarded the representation of these constituencies—and he thought it would be for the interest of the country to maintain those constituencies that already existed, in which there was a sufficient number of honest voters to constitute a good constituency. But in some cases such as these, a small and corrupt portion of a constituency, who sold their votes at the market price, exercised a great influence in elections, and therefore bribery and corruption would always be resorted to so long as they were permitted to vote. He thought they could deal with these cases in a very simple manner; namely, by removing the corrupt portion, and leaving the sound residue; by casting away the diseased and cankered limb, and preserving what was sound. It appeared to him that if we were to do anything, we must pursue this simple and obvious course. We should, fortunately, have no difficulty here, so far as related to the knowledge of who had been guilty of corruption at these elections; for the Reports of the Commissioners named the individuals who had been guilty of bribery, and also those who had been bribed. He proposed to deal with both these cases. Our knowledge did not rest on the evidence taken before the Commissioners implicating these parties, for we had their own statements. The Commissioners, before they reported against any man, had thought it their duty to give him an opportunity of defending himself; and he believed that in every instance in which individuals had been brought before them, they had admitted the fact of having received bribes. He really did not see why they should hesitate to deal with persons who, upon their own admission, were unworthy to exercise the important functions of electors. But he was told that a difficulty, which he, however, did not feel, here presented itself. It had been suggested from a quarter for which he entertained the most sincere respect, that we could not deal with those electors who had been reported guilty of bribery, because they had been examined under the promise of an indemnity. ["Hear, hear!"] He quite understood the cheers of hon. Members, and he fully admitted that, if such an indemnity had been actually given by the terms of an Act of Parliament, or virtually by any terms which Parliament had held out, however grave, however serious, the mischief with which we had to deal, it would be a less evil that corruption and venality in its present disgusting form should exist in these boroughs, than that Parliament should give an example of a breach of faith, even to the lowest and most contemptible individuals. But, looking to the Statute, he did not believe that there was the slightest difficulty about this matter, and he would call the attention of the House to the words which it used, as it seemed to him that all it gave to these parties was an indemnity from personal penal consequences. This was not only the construction which as a lawyer he put on the terms of the Act, but it was also the construction which Parliament itself had put upon similar Statutes; because in the cases of St. Albans and Sudbury the Act contained the same indemnity, and yet the whole of those constituencies had been disfranchised. The 9th section of the Act, authorising the appointment of Commissions, provided that any person—

> "Who is examined as a witness, and gives evidence touching such corrupt practice before the Commissioners appointed under this Act to make such inquiry, and, who, upon such examination makes a true discovery, to the best of his knowledge, touching all things to which he is so examined, shall be freed from all penal actions, forfeitures, punishments, disabilities, and incapacities, and all criminal prosecutions to which he may have been or may become liable or subject at the suit of Her Majesty, her heirs or successors, or any other person, for anything done by such person or persons in respect of such corrupt practice."

What did this mean? Did it apply to the penal consequences then existing, or did it divest Parliament of its power and authority to legislate penally with reference to such cases as these? He entertained no doubt that it had the former limitation, because it was impossible that an Act should have been passed which contemplated anything else. An Act might grant an indemnity in respect of penalties incurred under the law as it then stood, but the Legislature could not bind the hands of future legislators with regard to future legislation. The terms employed were, that the witness should be—

> "Freed from all penal actions, forfeitures, &c., to which he may have been, or may become liable or subject at the suit of Her Majesty or any other person."

It was quite clear that the words "at the suit of Her Majesty or any other person" must override the whole section; and, as a lawyer, he should have no doubt whatever as to the mode in which the Act should be construed. A subsequent section provided that the witness, upon the production and proof of the certificate, should have protection against—what? against "any action, information, or indictment which might be preferred against him." He could have no question, therefore, that the Act only applied to protection against criminal informations. He did not wish the House, however, to look at this matter in the narrow view merely of a lawyer, because, if he thought that Parliament had held out expectations to these people that they should not be made to suffer in any way in consequence of their deeds, he should grieve to lead the House to sacrifice its faith even to punish this venality. He could only know, however, what Parliament had done by the Acts which it had passed; and he denied that they held out any such expectations. But what right had they to grant, under this Statute, a degree of immunity which they had not granted under former Statutes, and what, he asked, had Parliament done upon former occasions? The Act appointing the Commissions in the St. Albans and Sudbury cases was precisely similar to this. Then, where was the distinction? Corruption was proved here of the minority, as it had been proved there of the majority, and, if in one case the argument was good for the disfranchisement of the borough, surely here it was sufficient to disfranchise a portion of the borough. If the House had not intended to apply this remedy if it should have become necessary, what, he asked, was the reason for appointing the Commissioners at all, and directing them to report the names of all the individuals whom they had found guilty of bribery? Surely the reason for such a course must have been to enable Parliament to deal with those particular persons. These were the observations which suggested themselves to his mind, and he felt that he should have shrunk from his duty if he had not expressed them openly to the House. At the same time, if the House should come to the conclusion that, either directly by the terms of the Act of Parliament, or indirectly by any other means, they had entered into a compact with these persons not to deprive them of their franchise in the event of their giving full information to the Commissioners, he should be the last man to interfere with their political rights. He did not believe, however, that that was the case. They had a great evil to grapple with, and it was the duty of Parliament to grapple with it by means of special legislation adapted to the special circumstances of the case. He left the subject to the better judgment of the House, feeling that he had only done his duty in asking leave, as he now did, to bring in these Bills for the prevention of bribery in the election of Members to serve in Parliament.

MR. CAIRNS said, he would shortly state the reasons why he thought the House should not entertain the Bills which were proposed to be laid upon the table by the hon. and learned Gentleman the Attorney General. The hon. and learned Gentleman had said, very properly, that he did not wish the question to be considered as one of the mere legal construction, but upon the broader ground of what was the spirit of the engagement which the Legislature had by the Statute entered into. As they all knew, the Crown had the power, upon a joint Address, to issue a Commission. Suppose, then, that there was no Act of Parliament to provide an indemnity for the witnesses before such Commission, what would be the consequence? The Commissioners would go down to the borough and call their witnesses; but the witnesses would at once say, "The questions which you ask us tend to criminate us—we are not bound to give you an answer, and we refuse to do so." There would be an end then of the inquiry of the Commissioners. The Legislature had foreseen that, and they thought that was an objection to be guarded against, and it was considered so valuable to obtain the truth, that it was worth while to pay for the truth by giving a full indemnity to the witnesses. What was the course which had been taken by these Commissioners? A petition had been presented from Barnstaple which described the course that had been taken by the Commissioners in that borough, and it was a fair type of what had occurred in other places. The Commissioners put up a placard in the market-place, in which they stated that if those summoned as witnesses came forward, and gave evidence without reserve, they would be protected from any possible consequences that might occur. He did not suppose that those men in the country had a copy of the Statute, or would understand it if they had it; but they had intelligence enough to see, that when the Commissioners, by notice in the market-place, promised them that if they gave evidence nothing should happen to them, it was a guarantee which would protect them, not merely against a criminal prosecution, but against anything which they might consider in the light of a criminal prosecution, or a deprivation of their civil rights. Upon that understanding they gave their evidence; and in Barnstaple the Commissioners reported that out of 255 persons, 254 gave their evidence in a straightforward and proper way, and received certificates from the Commissioners. Then let them refer to the Act of Parliament and see what was the consequence of receiving the certificate. The Act of Parliament said that every person who shall make a fair discovery shall be free from all penal actions, forfeitures, punishments, disabilities, and incapacities, and all criminal prosecutions to which they may become liable at the suit of Her Majesty, or her heirs or successors, because or in respect of such corrupt practices. The Attorney General said that that only contemplated a criminal prosecution for a penalty recoverable under the law as then existing; but did not the hon. and learned Gentleman see how that would apply? Did the hon. and learned Gentleman mean to say that it would be competent for Parliament, in point of honour and good faith, after giving this indemnity, to turn round and pass an Act now by which they would impose a penalty on every voter say of 100*l*. The hon. and learned Gentleman said that the Bill only referred to disabilities and incapacities which were incurred at the suit of Her Majesty. But he found the Act referred also to disabilities and forfeitures incurred also at the suit of other persons. He wished to know what anybody would understand from the whole scope of these words with regard to disabilities and incapacities. He took it that they must include disabilities and incapacities affecting their civil rights—those very civil rights which the Attorney General now proposed to take away. But the Attorney General said, look to St. Albans and to Sudbury. There the witnesses were promised an indemnity, and yet the Parliament disfranchised the boroughs altogether. But the present was altogether a different proceeding from what took place at St. Albans. Of course he admitted that no indemnity would protect the witnesses from any general measure of Parliamentary reform. It would never be permitted to them to come forward and say, we have a vested right against the operation of such general Bill. But it was quite a different thing when the penalties were made to fall upon those only who had been proved to be corrupt, and who had every one of them been promised an indemnity. The Attorney General said, if indemnity were to be granted in this sense, where was the use of sending Commissions? But had the Commission been of no use in the case of St. Albans? It had been of great use; and so the issuing of those Commissions was of use, as it showed the country that the House was determined to probe to the bottom all allegations of bribery and corruption. He was ashamed to put the case upon a lower ground than that of the public faith and honour. But he would put it upon one lower ground, which he thought even the Attorney General would appreciate. It was proposed, now, to legislate with a view of disfranchising the corrupt electors in certain boroughs. Well, he hoped they would never have occasion to issue another Commission. But suppose they should be obliged to do so, he would ask the hon. and learned Gentleman, did he suppose that he could resort to this measure of indemnity a second time? Did he think that they could again publish placards in the market-place, promising indemnity; or if they did, could they suppose that the electors, with these proceedings in their recollections, would be befooled into coming forward again to give evidence? He said the thing was utterly impossible. It would go abroad that the mode in which the Legislature kept its faith was the mode now recommended by the Attorney General, and there would be an end to all further inducements to witnesses coming forward and exposing the practice of bribery. But he wished the House not to consider the question on the ground of expediency, but on the ground of good faith and the public honour. If he were called upon to form a comparison between the two offences, of a poor man who had sold his vote for a few shillings or a few pounds, and the offence of that man who, after getting at that fact by a promise of indemnity, afterwards turned round and visited him with the very consequenees against which he had guaranteed him, he must say that, according to his apprehension, the last offence was not the least. He was willing to go as far as any man in that House by all proper means to check bribery. It was of inestimable importance to preserve purity of election; but there was one thing that was of more importance still, and that was to preserve pure and inviolate the public faith and the public honour; and, believing that the public faith and the honour of that House would be tarnished by the proposed course of proceedings, he was prepared to meet the present Motion with a direct negative.

Sir JOHN HANMER said, he also must oppose the Motion. He thought that the House had a right to expect from the Attorney General a proposition which savoured of a jurist and a statesman; he must, however, say that in his opinion the Bills which had been brought in had about them nothing of the kind, and because they would inflict an extreme and unexpected punishment upon persons who believed, and were led to believe, that by the terms of the Act of Parliament instituting the extraordinary and exceptional tribunal, before which they were examined, they were to be protected from consequences. He was sure such a sense of injustice would attend any action of the kind now proposed by the Attorney General, as would tend more than anything else to defeat the object he had in view. The House ought also to remember the composition and character of these extraordinary Commissions. Of the names of those gentlemen, who were appointed in a great hurry, without a moment's question, many hon. Members had, perhaps, never even heard, and yet powers had been entrusted to them which were unknown to Westminster Hall, unknown to the judicature of the country, and such even as the Lord Chief Justice of England, if he wished to exercise them, might wish to exercise in vain. Their conclusions were arrived at in an extra-judicial manner, and he knew that men of the highest respectability complained of their Reports as unjust. He contended, therefore, that the House ought not to bear too hardly upon persons who had been reported to be guilty of offences against the law by such very exceptional tribunals. The Bill of the hon. and learned Gentleman did not stand alone. Happily, the House had awakened at last to a sense of the absolute necessity of checking these corrupt practices; and the noble Lord the Member for London had brought forward a Bill prospectively imposing disabilities, the operation of which, when it should come into force, was limited to two years; but in this retrospective Bill of the Attorney General's, the only limit apparently imposed was imposed by chance or the caprice of the Commissioners, and in some cases they went back for thirteen years. If they were to alter the present state of the law, he would rather prefer that it should be done under the guidance of the noble Lord the Member for the City of London than under the Bills proposed by the hon. and learned Attorney General; and he would put it to the House whether it would be altogether just to go back to those legendary times,—to the time of Lord

Melbourne's Government, and to times when it was impossible to say what had taken place, and to disfranchise, for acts then committed, long lists of voters? Having said thus much, he wished to say a few words, and he was sorry he was obliged to do so, with regard to himself. In 1841 he was a candidate for the representation of Kingston-upon-Hull, and in the Report of the Commissioners, he found that they stated that at that election a corrupt expenditure of money took place, with which when he became acquainted, he did not interfere to prevent it. Now, he had, both in that House and out of it, taken rather an active part to put down and repress anything approaching to corruption at elections, and any man who knew him would not only bear witness to his sincerity, but he believed also, in some cases, to the efficiency of those endeavours. In 1841, thirteen years ago, he was requested to stand for Kingston-upon-Hull, and, as he thought fit to do so, he took such precautions as he supposed any Gentleman of that House, if they took any, would have done. He expressed his disapprobation of corruption, and took with him a gentleman of the bar, to whom, jointly with his then colleague, Sir Walter James, he paid a fee of 100 guineas, whose business it was to protect them from all difficulty and trouble. He was an efficient and able man, and would have done all he could, but he did not render any great services on this occasion, as the committee who had undertaken the election would manage their own affairs. He (Sir J. Hanmer) was asked by the Commissioners if he knew anything particular of the practices that prevailed at Kingston-upon-Hull as to men called "runners," or who had something to do with the committee. He told the Commissioners that he did not remember any circumstance which would justify him in saying that he knew anything particular of this practice, and that all he could remember was, that afterwards, in 1842, when the noble Lord the Member for the City of London brought in his Bill, whereby such practices were declared to be illegal, he communicated to his friends that he should never stand again for Kingston-upon-Hull, and therefore he thought it proper to infer, being asked and curiously examined by the Commissioners as to his recollections of thirteen years ago, that he might have known something upon which that conclusion of his was founded, but how or when he knew it, he could not say. It did not consist with his ideas of what was befitting a Member of that House to deny absolutely any knowledge of what might have been known, but he never intended to go beyond admission of the possibility of his having known what, after all, was in 1841 no illegal practice. Yes, he begged leave to say that on that occasion the employment of runners was no illegal practice. In 1837, the election previous to the one he had been alluding to, a man was proceeded against, and the practice as to persons being employed as runners was pressed, and this man's name was erased from the poll. The counsel asked on what ground the Committee had done this? and the reply was, "On that of treating." So that it was plain and obvious that on this point, afterwards provided for by the 20th clause of Lord John Russell's Act, there was great doubt as to the illegality. It had been sanctioned by an Election Committee, and it was not wonderful if the people of Hull had interpreted this their own way. He thought that, considering the precedent thus given by the Committee of 1837, he had grounds for complaining of the way in which the Commissioners had mentioned himself; and he again declared that, from 1842, when the Bill of the noble Lord the Member for the City of London made such great alterations in the state of the law, he used every exertion to bring the constituency to a sense of their position, and to a due obedience to the law. In 1847 he was again requested to stand for Kingston-upon-Hull, but declined to do so unless full assurance was given that his election should be made in obedience to and in conformity with the law. Such assurance was not given to him, and he therefore declined to stand for the borough. He had a great regard for the town of Hull—it was one of the great mercantile seats of the kingdom, and he did not think that the scandal cast upon it by the Commissioners or by the mischances, or even misconduct, of elections would justify him in voting for such a Bill as this, and that borough contained men of as great honour, intelligence, and worth as any constituency, and whom any one would be proud to represent. He considered that the course which the House had taken in suspending the issue of the writ sufficiently showed their opinion and determination, and he would agree to any prospective course which might be, after such warning, fairly proposed; but as to retrospective disfranchisement upon enforced evidence, he must confess that he would rather adhere to the old jurisprudence, justice, and legal proceedings of the country. If alterations were to be made, he would prefer their being so under the guidance of the noble Lord the Member for the City of London, who had taken a very different line in his Bills. He could not understand the course pursued by the Commissioners in their inquiry; he thought the rule in practice was that they would go back to a pure election. If this were the case in the instance of the right hon. Gentleman now Member for Leeds, he should have thought that a point to stop at; but he understood it to be the fact that one of the Commissioners, whose Report had not been printed, but who was the Chief Commissioner, had gone back to the days of Queen Anne. He should, therefore, on the whole, without any doubt, oppose the Motion of his hon. and learned Friend.

MR. PHINN said, he much lamented that the hon. Baronet who had last addressed the House should have introduced into the debate personal topics, which his hon. and learned Friend the Attorney General had anxiously avoided doing. There could be no doubt that the hon. Baronet desired to put down corruption, and there was no desire to implicate him in the proceedings. He thought it desirable, however, that this question should be discussed on general principles, and not the particular precedents of hon. Gentlemen. One part of the hon. Baronet's speech he could but advert to—he had said that the issuing of these Commissions was contrary to the common law, and that respect ought not to be paid to their decisions. This would have been a very proper argument to use when the Bill for issuing these Commissions was introduced into the House, but it was altogether irrelevant now; and if he recollected rightly, that Act of Parliament received the support of hon. Gentlemen on both sides of the House, and their united efforts carried it through. He thought that the policy of these Commissions ought not now to be discussed, as the opinion of the House had been taken in almost every case by a division, and it had agreed not only to the propriety of there being a general measure, but also that of issuing particular Commissions. The question now was, that knowing the result of these Commissions, were they to pass only a general measure? After having considered that these individual Commissioners incurred vast and frightful expense, was this to result in nothing but tons of blue books, and was a slur to be cast indirectly on the judgment of those employed on them? In adverting to the arguments used by the hon. Gentleman the Member for Belfast (Mr. Cairns) the hon. Member said the question was not whether they should punish the guilty, but whether, having found the innocent and the guilty, they could draw broad lines which would separate one from the other. The hon. Member for Belfast did not question the expediency of the Sudbury and St. Albans Commissions. In these cases the same certificates were granted to parties who were indemnified, not from future consequences, but from the consequences imposed by the Statutes then relating to bribery. He might state, from his particular experience of the St. Albans case, that when that Act was passing through the House, he did not believe that it entered the contemplation of any hon. Member that they were protecting parties from more than the existing disabilities. The St. Albans Act stated that—

> "Witnesses shall be freed from all penal actions, forfeitures, punishments, disabilities, and incapacities, to which he or she may have been or may become liable"—

[*Cheers from the Opposition benches.*] Hon. Members should have listened to the concluding part of the sentence:—

> "to which he or she may have become liable or subject at the suit of Her Majesty, her heirs or successors, or any other person, for anything done by such person or persons in respect of such bribery."

Could it ever be supposed from this that a man was free from, and not subject to, future disabilities? The hon. Member had said that if they imposed those punishments on the guilty, they would not get future disclosures. But ought they not to argue from what had been done, what would be done? But the hon. Member for Belfast said he would not argue on the Act, and there he thought he was quite right. He then went on to say that in Barnstaple the Commissioners had published a placard, declaring that they would protect the witnesses from all ulterior proceedings. He believed what the Commissioners really did was to publish the section of the Act. In the case of Sudbury these same immunities had been promised, and the borough and every man who had given evidence were disfranchised; and when the St. Albans case followed, they were not then twitted with having promised immunities, and yet disfranchised Sudbury. No; experience refuted this argument used by the hon. Member. Was the indemnity disregarded, or did the witnesses refuse to answer? Not at all. And it was the height of absurdity to say that, because where 300 out of 400 voters were bribed, they had disfranchised the whole, therefore, where 1,000 out of 5,000 voters were bribed, they must either disfranchise the whole or none. If there were a question that by the proposed measure they were violating any principle of honour or integrity, he would rather let abuses pass and bygones be so, and trust rather to future legislation and the improved moral condition of the country; but he did not consider that any such principle was violated, and the country would have a right to consider that the House was not in earnest in this matter if, whenever the question came of prosecuting bribery, they did not follow up the investigation by action.

> "Quid tristes querimoniæ
> Si non supplicio culpa reciditur?"

He might say he never yet knew a man against whom a tribunal had decided who acquiesced in the justice of that decision; but whatever imputation the hon. Gentleman (Sir J. Hanmer) might cast upon the Commissioners at Hull, he would say that more independent or impartial gentlemen never made a Report to that House.

Sir JOHN HANMER said, that he had cast no imputation on the Commissioners.

Mr. NAPIER said, he should base his opposition to the measure of the hon. and learned Gentleman opposite upon the provisions contained in the clause of indemnity. If he understood that clause aright, it was grounded upon the long-established principle of our law that no man was bound to criminate himself. In accordance with the Act no person was bound to answer any question which would subject him to forfeiture of any nature whatsoever. The law upon that point was very clearly explained in *Williams's Treatise upon Evidence*. Yet it was sought by the Bills before the House to compel a witness to forfeit his franchise upon grounds furnished by the questions which had been put, and by the answers which he had given to those questions. The words of the Act were, that—

> "The persons examined before the Commissioners should be free from all penal actions, from forfeiture, from punishment, from disability, and from incapacity."

But there could be no doubt that to deprive a man of his franchise must be regarded in the light of a punishment and a forfeiture, and that any such proceeding was one which must be held to be one which came within the words of the Act of Parliament. Such was his opinion, and upon that, therefore, as well as upon the other grounds which had been put forward by his hon. Friend near him (Mr. Cairns), he should not support that view of the question of which his hon. and learned Friend the Attorney General was the advocate.

Mr. KENNEDY said, he understood that evidence had been given of the fact of bribes having been received before recourse was had to the electors themselves; and that the object of calling the electors was to give them an opportunity of defending themselves, if improper evidence had been produced against them. In these circumstances, he thought a boon had been conferred upon the parties rather than otherwise, and the House had, unquestionably, a right to see that justice was duly done to the honest and respectable portion of the constituency. They ought to separate the two, as far as the evidence enabled them, in order that the pure might not be degraded by association with the corrupt. Considering that this was wise policy, he should give his support to the Attorney General's proposition.

Mr. MASSEY said, he believed that it was admitted on all sides that if it were not for the indemnity clause in the existing Act standing in the way, there would really be no substantial argument against the proposition of the Attorney General. He had looked into that clause, and found that its terms were very large. It indemnified the voter against penal consequences, forfeiture, and disabilities. There could be no doubt that it referred to the similar clause in the Bribery Act, by the force of which no man could be made liable to penal consequences, to forfeiture, to disability, or to deprivation of his vote, unless he had been prosecuted and convicted in due course of law. No doubt, therefore, the principle of indemnity had been carried to a very great extent; but he would suggest that not only were the present peculiar cases, but that Parliament ought to put its own construction upon the indemnity. If that were so, it was manifest that the cases of St. Albans and Sudbury were precedents. The true point, however, was, whether a man who had once acknowledged himself guilty of corrupt practices was to enjoy an immunity for them ever afterwards. It appeared to him absurd, unconstitutional, and even stultifying, to pretend that any Act of Parliament whatever should, directly or indirectly, confer upon a voter an immunity of corruption. Would it be contended for one moment that any law ought to give a voter once guilty of corruption immunity for it during the rest of his life. What was this right of which it was proposed to deprive the corrupt voter? There were Gentlemen in that House who looked upon the franchise as an indefeasible right, but the constitution of this country did not say so. A man might be in possession of this franchise, and that House, from high reasons of policy, might deprive him of it. In this way whole constituencies had been deprived of the franchise, and could it for a moment be said that the House had not the same right in the case of individuals? The Reform Bill deprived whole constituencies of it who were not affected by corruption; yet no one ever ventured to say that there was anything illegal in the deprivation. No more was there in the present case. The hon. Member for Belfast would not deny that Parliament had this power; he said, however, "If you can prove the whole constituency corrupt, disfranchise it; but the moment you attempt to separate the innocent from the guilty, you commit a great injustice." The injustice, it appeared, was committed by not convicting those who were innocent. In the case of Sudbury, some of the constituency were as untainted with corruption as any voters in the empire. It was, therefore, a hardship that they should be involved in the disgrace and punishment of their corrupt associates. The proposition of the Attorney General, however, applied something like equity and justice to the cases under consideration. On grounds of public policy the House had a right to deal with the electoral franchise as it thought proper; it could transfer it from one place to another; and if they could do this, it would be admitted that, *à fortiori*, they had a right to deprive persons of the franchise who had grossly abused it. What, he asked, would be the effect, if this Motion were not adopted? Why, the writs would go down, and the very persons who had most abused the sacred electoral trust would have the power of voting again. Was this system to go on *ad infinitum*? On every ground, therefore, of public policy, of common sense and common decency, the House was bound to accept and pass this measure.

Mr. WHITESIDE said, he was sure that the House was desirous to ascertain whether the principle was a sound one upon which the hon. and learned Gentleman the Attorney General called upon them to act. Now there were parts of the world in which a confession might be extorted from a witness, and in which that confession might afterwards be proceeded upon, and turned to his disadvantage. By the law of England, however, that could not be done; and yet it was in contravention of such a law they were called upon that evening to legislate. It appeared to him that the Act ought to be interpreted as those parties who were to be affected by its provisions might be supposed to understand it. The Act first of all set forth that no statement which might be given by a voter before the Commissioners should ever be made use of against him. If the voter obtained a certificate, and a prosecution had been instituted against him afterwards, that prosecution must fail. Yet it was proposed, by *ex post facto* legislation, to deprive of his vote that person whom, by a criminal prosecution, the Attorney General would find it impossible to convict. The hon. and learned Gentleman the Member for Bath (Mr. Phinn) had stated that he entertained no doubt as to the meaning of the words contained in the Act; but was he quite sure that those words justified the interpretation which he had put upon them? The words of the Act were:—

> "The person examined as a witness, and giving evidence touching such practices before the Commissioners, shall be free from all penal actions, from forfeiture, from punishment, from disability, and from incapacity."

He should stop there. Then the next section commenced as follows:—

> "He is to be free from all criminal prosecutions to which he might have become liable at the suit of Her Majesty."

The plain and fair meaning of the words, then (for they must not quibble in that House with respect to the meaning of an Act of Parliament as against the parties whom they might induce to make a confession), was that those parties were to be held free from all the consequences which, under other circumstances, would follow from the disclosures which they might make. Witnesses were asked to come forward and to give their evidence before

Commissions, and were promised immunity so far as the acts to which their testimony might relate were concerned. Such persons would read the words of the Act, and placing the natural interpretation upon those words, would consider themselves as secured against the possibility of any penal consequences resulting in their regard from the disclosures which they might make to the Commissioners. But the hon. and learned Gentleman the Member for Bath, in quoting the words of the Act had asked, "What will the country think of us if, after those extensive and costly investigations, we do not do something?" His (Mr. Whiteside's) answer to that question was, that the people of this country would always be found ready to appreciate the conduct of those who acted upon principles of equity and strict justice. The object of the Act of Parliament was, in his opinion, to enable that House to procure such evidence as might warrant them in pursuing the same course as in the case of St. Albans had been adopted, or to furnish them with such information as will aid them in framing a general law in reference to bribery and corruption. The persons who had given their evidence before the Commissioners, however, could by no means have supposed that the law could have had for its object that which it was sought by the Bills now under their consideration to carry into effect. Petitions had been presented that very evening in which the petitioners had complained that they had been induced to give the Commissioners all the information in their power upon an understanding in contradiction to the spirit of which the measures of the hon. and learned Gentleman opposite were framed. Nobody could deny but that it was an "incapacity" not to be in possession of the franchise, and yet they were now called upon, by *ex post facto* legislation, to do that to which the words of the Act declared the witness should not be held to be liable. The hon. and learned Gentleman opposite had not told the House how many years his Bills were to embrace in their retrospective operation.

The ATTORNEY GENERAL said, that he proposed to incapacitate those persons whom the Commissioners had reported by name to the House, and that there was but one Report in which the Commissioners had gone back beyond the year 1853.

Mr. WHITESIDE: It is important to know whether we are to go back to the beginning of the present century.

The ATTORNEY GENERAL: When the hon. and learned Gentleman puts such a question as that, he would not condescend to answer it.

Mr. WHITESIDE said, he was quite sure that the House would agree with him in thinking that when a new law was about to be introduced, and when he, as well as several Gentlemen who sat beside him, were not aware now far back its retrospective action was to extend, the answer which the hon. and learned Gentleman deemed it right to give to the question was scarcely such a one as he considered he was entitled to expect.

The ATTORNEY GENERAL said, the reason why he gave to the question of the hon. and learned Member the answer which he did give, was because he considered that question as one which was personally discourteous.

Mr. WHITESIDE said, he could assure the House that he himself, as well as several of his hon. Friends near him, were altogether unacquainted with the intentions of the hon. and learned Gentleman with respect to the point to which the question which he had put to the hon. and learned Gentleman referred. He had merely asked the hon. and learned Gentleman for information, and it seemed that, in accordance with the principle upon which the hon. and learned Gentleman was prepared to act—the principle of outraged official dignity—no information would be given as to how far he intended to extend his legislation in the wrong direction. Now he (Mr. Whiteside) should ask the House to pause before they gave their sanction to a system of legislation such as that which they had been asked to sanction. It was no doubt highly desirable to put down corruption; but he would venture to say that it was a more important matter to adhere to a principle upon which they could always act with honour to themselves and with advantage to the general interests of the country.

The SOLICITOR GENERAL said, he regretted these conflicts of legal opinion in that House, because they tended very much to diminish the confidence of the public in the sincerity of lawyers. He would submit to the House that there was no reason to be found in the Act of Parliament itself why they should legislate upon the question under their consideration in a spirit different from that which was embodied in that Act. That measure had been passed with a view to repress bribery and corruption; and, above all, as the House could not fail to observe, to furnish them with materials for future legislation upon the subject. It was a measure which enabled the Legislature to deal with a species of property which must always be distinguished from private property, over which a man was held to possess absolute control—namely, a great political and public trust. Those hon. Members who seemed so anxious to adhere to principle, and who were animated by such an abhorrence of what they were pleased to denominate "legal quibbles," would do well to remember the distinction which existed between the use which might be made of private property, for which the possessor could not be held accountable, and the use which might be made of a public trust, for the proper exercise of which the holder was morally responsible. All clauses of indemnity had for their object the protection of an individual either in his person or his property; but it appeared to him ridiculous to contend that clauses of that description ought to be viewed in the same light as those which were contained in the Act to which their attention had so often been called that evening. An indemnity clause, framed to protect an individual in his person and property, could not, in his opinion, be placed upon the same footing as an indemnity clause contained in an Act of Parliament, by which the Legislature intended to gather materials for future proceedings. It would be inconsistent with the spirit of the Bill to construe a clause framed for the purpose of facilitating future legislation, as being a binding contract, which should disable that House from availing itself of the means which might thus be afforded. He believed that they would be committing the greatest absurdity if they were to construe the Act in such a way as to disable themselves from passing a measure which the public interest rendered it expedient that they should adopt. He readily admitted that the Statute ought to be so construed as to promote the attainment of the object for which it had been framed. But he defied any hon. Gentleman to show that they would be pursuing that course if they were to tie up their own hands, and to render themselves incapable of passing any Act which would lead to the future disfranchisement of parties whom the Commissioners might find guilty of having accepted bribes. The House ought not to desire to forge fetters for itself, unless it should be compelled to do so by considerations of honour and good faith. Let them look at the meaning of the clause to which the hon. and learned Member for Enniskillen (Mr. Whiteside) had more particularly called their attention. It provided for witnesses a relief against the law as it then stood. That relief was personal to each individual; it was intended to protect his person and his property; and it was intended to protect him fully from disabilities, forfeitures, and incapacities. But then those disabilities, forfeitures, and penalties were such as must follow an indictment against him at the suit of the Crown, or a proceeding taken against him by a common informer. That was the plain meaning of the words. The words were not grammatical nor English, unless that meaning were attached to them. The hon. and learned Member for Enniskillen said he chose to stop at the word "incapacities;" and no doubt the hon. Member might stop where he pleased, but other hon. Members would stop only where the rules of grammatical construction required. He could not agree with the hon. and learned Member for Enniskillen as to his reading of this clause, inasmuch as he considered such reading, however original and independent it might be, not according to those grammatical rules which generally prevailed, at least in this country. The hon. and learned Gentleman, after having done violence to the sentence, found the unfortunate conjunction "and," which compelled him to borrow some words from the antecedent part of the sentence at which he had told them he would stop, and he was thus obliged to re-unite phrases which he had ruthlessly disjoined. He (the Solicitor General) knew no mode of arriving at a correct interpretation of the passage except by reading the whole of the words, and giving to each of them its proper effect. He believed that the construction put upon the sentence by his hon. and learned Friends opposite could not be adopted without a departure from the purpose for which the Act had been introduced—without, in fact, stultifying the Act—and without violating the universal rule of law as to the proper meaning and intent of indemnity clauses. Those clauses, he could assure the House, were wholly personal to individuals, and were never intended to prevent the enactment of subsequent measures by Parliament.

Mr. WALPOLE said, he should deem it a great misfortune if, now, on the first occasion on which Parliament was asked to act on the measure of 1852, they should apply that measure in a manner which would be found hereafter to interfere with public policy, and still more, if they should apply it in a manner which would destroy the security of that guarantee which was intended by the Legislature to save all persons against the imposition of disabilities or incapacities in consequence of the evidence laid before the Commissioners. The object of the Statute, according to his hon. and learned Friend the Solicitor General, was to put down bribery. But the object of a Statute could only be ascertained legally in one way, and, legally or otherwise, there was only one other way in which it could be ascertained. It could only be ascertained by looking at the preamble or recital of the Act in conjunction with its provisions, or else by going back to the intentions announced by the framers of the measure at the period of its passing. Taking the first of these tests, he found that the object of the Statute was simply to cause an inquiry to be instituted into the condition of certain boroughs, and not to disfranchise them. The preamble merely stated that—

> "It was expedient to make more effectual provision for an inquiry into the existence of corrupt practices at elections of Members to serve in Parliament."

And if you examined the intentions of those who framed the Act, you will find no evidence that they meant the inquiry to be followed up by any measure of this description. It should further be remembered that the Act had been founded on two Statutes that had been previously made applicable to two particular cases—the case of St. Albans and the case of Sudbury. In the latter case it appeared that, out of 280 voters at one election, 220 were proved to have been bribed, and that while 3,000*l.* had been sent down to the borough, the expenditure of a portion of that sum had not been accounted for, so that there was reason to believe the corruption had extended beyond the 220 ascertained instances. In the case of St. Albans, it appeared that at one election 186 voters out of 270 had been bribed; and that at another election 240 voters out of 280 had been bribed. It further appeared that Mr. Coppock had stated that "to bribe and to bleed were the only things known at St. Albans," and that Sir Robert Carden had declared "there was no principle in the borough excepting that which was contained in the breeches' pocket," while the Commissioners had reported that, "with the exception of the clergy and the principal proprietors, the whole town was corrupt. In those two cases Parliament acted in the way in which it was intended by their own legislation that they should act, in case the corruption of the place inquired into was general and systematic—that was to say, they disfranchised those boroughs. His hon. and learned Friend the Attorney General, supported by the Solicitor General, said that these cases were a complete precedent for the course that is contemplated on the present occasion, inasmuch as the Legislature had then, upon the evidence of the parties corrupted, punished not only the guilty, but the innocent. That, however, was not so. What the House did was this. It took the evidence of all the witnesses, not merely with reference to themselves but with reference to the borough generally—evidence which they might have been required to give without an indemnity secured by Act of Parliament. It having turned out upon that evidence, thus legitimately procured without the necessity for any indemnity, that bribery and corrupt practices were generally prevalent in these boroughs, Parliament interfered, and said that such boroughs were no longer qualified to return any Members. In so doing they did not violate the fundamental principle by which, according to the laws of this country, no man can be required to give testimony which will criminate himself. He believed that the Acts appointing the St. Albans and Sudbury Commissions contained indemnity clauses, but then in those cases Parliament took away the franchise from the boroughs because the witnesses gave evidence—which could have been obtained without any indemnity—against other parties, and they did not inflict a personal disqualification on particular witnesses arising out of the evidence which they had themselves given. In the cases of St. Albans and Sudbury, bribery was proved to have been general and systematic; and without proof of this he thought they had no right to deal with these boroughs as they had dealt with them, that was to say, to punish the innocent as well as the guilty, by taking away the right of representation. In these cases, however, the Attorney General did not pretend that there had been general and systematic bribery, and therefore he did not now ask of Parliament to disfranchise these places. What he sought to do was, to disfranchise the voter, in a matter which was purely personal to himself. But if this was a matter personal to the voter, could they deprive him of a right which belonged to him when, according to the laws of England, they could not have required him to give the evidence—they could not probably have obtained the evidence—of which the effect was to deprive him of such right? In other countries it was the practice to examine and cross-examine an accused party, but in this country, happily, it was never allowed; the rule of the English law being clear and distinct, namely, that no person should be punished criminally except upon the evidence of independent witnesses other than himself. That rule rested upon a principle—a principle often enunciated by Lord Eldon from the bench, and which he trusted this country would never forget—that we ought never to put a man into such a position that his interest would conflict with duty. His interest might induce him to commit perjury. His duty would require him to tell the truth. In the Act of Parliament appointing these Commissions an indemnity clause was inserted, and the inducement to a witness to perjure himself was therefore taken away. If, however, they passed the Bill to introduce which they were now asked to give their permission, he should be glad to know how future Commissions would prevail upon witnesses to come forward and give evidence that would deprive them of that right which should not be taken from them except upon evidence from other quarters. That was a very important consideration. The Commissioners appointed to inquire into one borough reported to Her Majesty a striking opinion of the great importance of this indemnity clause, because, they said, it appeared that the very witnesses who, when examined upon oath before a Committee of the House of Commons, did not tell the truth, told it freely under the supposed protection of that indemnity when examined before themselves. And why? Evidently because they believed they were to be saved harmless for the evidence they gave in the latter case. But if witnesses found that they were not to be saved harmless, would not the same perjury be committed in future before Commissions which now took place before Committees of that House? Why, again, should they deal with these cases, because they came before them in a mass, in a different manner from that in which they treated cases of bribery reported to them by their own Committees? Were they to say that whenever a Committee of that House reported that one man or a dozen men had been guilty of bribery, they would disfranchise him or them by Act of Parliament? He trusted not. He, for one, should not complain of any measure by which parties henceforward guilty of bribery should be disqualified from the exercise of the franchise. But he protested in the most solemn manner against a violation of that fundamental principle of English law which declared that no man should in a criminal matter be required to give evidence against himself. He said it was more important that they should keep faith with those whom they had induced to criminate themselves than that they should punish by a retrospective law men who had been guilty of bribery in the exercise of their electoral rights. He would further ask the House whether it was desirable that those voters who had given their evidence under the notion that they would not thus disqualify themselves from the future exercise of the franchise—he would ask the House whether it was desirable that those voters should be deprived of a *locus penitentiæ?* An hon. Gentleman opposite said, "If we did not pass this Bill, we should be giving to voters an immunity for future corruption." Far from it. There was a Bill brought in by the noble Lord the Member for the City of London, which declared that, in case of such corrupt practices being committed in future, the parties so offending would be deprived of their franchises. He (Mr. Walpole) admitted the justice of that proceeding, for the parties would have notice that such would be the case; but what he wished to impress was, that they should not pass a retrospective law. The two things were distinct, and should be kept in mind. He admitted that there was a great difficulty in any view of the case. But, upon the whole, he was afraid they must deal with the voters who had been found guilty of corrupt practices, in the same manner in which they had treated other voters who had been found guilty of bribery by Committees of that House. He could see no distinction between the two classes. The hon. and learned Attorney General had left it doubtful to how many past elections this Bill would apply. If he recollected rightly, the Report of the Kingston-upon-Hull Commission was accompanied by schedules containing the names of those who had been bribed for four or five elections. Now, he wished to know whether it was proposed to disfranchise electors who may have been guilty of bribery two or three elections since, although they were quite innocent at the last election? [The ATTORNEY GENERAL: No.] Then the Bill must, he thought, be confined to the last election. And a measure which extended even thus far was just as liable to the objection that it was retrospective legislation, as if it were made applicable to previous elections. In fact, he did not see how they could escape the difficulties that beset them, except by saying, "We will not deal retrospectively with these cases; we will show to Parliament and to the country that if these cases occur again, they shall be punished by one measure of disqualification, applicable to the whole kingdom; but we will not, even for the great object of punishing corruption, violate the fundamental principles of the law of England, and induce a feeling throughout the people resident in these boroughs, that Parliament has been guilty of a breach of faith and a gross injustice."

MR. WARNER said, he thought that the House had been somewhat taken by surprise by the nature of the measure. He thought, however, they ought not to reject at so early a stage any Bill which had received the sanction of the Government. He should vote for the introduction of the measure without pledging himself to the principle of the Bill, because he could not but feel that very serious objections had been urged against it.

MR. F. SCOTT said, he wished to call the attention of the House to the position in which they would stand if, having obtained the evidence of witnesses against themselves on the faith of there being no Act of Parliament by which they could be attacked, they sanctioned a Bill inflicting pains and penalties on those who had made their depositions in the belief that they would be exposed to no pains or penalties whatever. Nothing, he thought, could be more unjustifiable—nothing more opposed to equity. Indeed he believed they would do better to extract evidence by the thumbscrew, the torture, or any other means, than by violating the faith of England and the sacred pledge which an Act of Parliament had given to these people, that if they came forward to give the House of Commons the information it desired, they should not be visited with any pains or penalties of any kind. Whatever might be the construction of lawyers, he was sure that the sense which the people of Hull, Cambridge, Barnstaple, and the other placesw hich had been subjected to these Commissions, and of the country generally, would put upon this measure was that the witnesses should be relieved from any evil consequences arising out of any Act either then in existence or which might be subsequently passed, in consequence of their having too credulously given faith to the British Parliament. He hoped that, for the sake of purifying boroughs from corruption, the House was not about to do what was much more corrupt than bribery —violate its faith towards those persons who had placed confidence in its promises.

MR. MANGLES said, he wished to ask the right hon. Gentleman opposite (Mr. Walpole) how he reconciled the principle he laid down in his speech with the disfranchisement of those electors of St. Albans and Sudbury who had given evidence criminatory of themselves? It appeared to him that, if the argument of the right hon. Gentleman was good for anything, it must be applied throughout; and that on the principle he had laid down he would have been bound to exempt such electors from disfranchisement, and in fact to have left them as the sole electors of these boroughs.

MR. WALPOLE said, those boroughs were disfranchised on evidence, for which the voters who gave it required no indemnity, and not on the self-criminatory evidence given by voters with respect to themselves.

MR. W. O. STANLEY said, that if this Bill was not sanctioned by the House, Parliament had better retrace their steps, and repeal the Act of Parliament under which these Commissions were appointed. It appeared to him that some hon. Gentlemen seemed to look upon the certificates of indemnity, given by the Commissioners to parties who gave evidence before them, much in the light in which, in former times, indulgences and absolution were regarded when granted to persons after confession, who—

> "Even in penance
> Added sins anew."

THE ATTORNEY GENERAL, in reply, said he had to express his regret that the even tenor of their debate should have been interrupted for a moment by a suggestion that he had sought to be offensive to any hon. Member who had taken part in it. He could assure the House that nothing was further from his mind than to offer offence to any one; on the contrary, he thought he might take credit for what an hon. Gentleman opposite had been pleased to term "official dignity," though not in the sense in which he had used the term. Perhaps he might be allowed to say in extenuation, in some degree, of the charge of offensiveness, that the language of the hon. and learned Gentleman (Mr. Whiteside) was sometimes not the mildest that might be used to express his sentiments, and that there was something occasionally in his manner which was not calculated to excite the blandest deportment. He (the Attorney General), however, could only repeat, so far as he was concerned, that if he had said aught that was offensive, he was sincerely sorry for having done so. To return to the subject under debate, it did not appear to him that any one hon. Member opposite had denied the proposition that it was essential that something should be done to improve the condition of the constituencies to which the present Bills applied. Everybody seemed to concede that; and nobody denied that it was desirable to disfranchise those voters who had admitted their guilt in the evidence they had given before the Commissioners, if it could be done without anything like breach of faith towards them. The whole question, therefore, was this—was there anything in the Act of Parliament which prohibited that House, either in good feeling or in good faith, from taking away from them the exercise of their franchise? If it could be shown that upon a legal construction of the Act of Parliament there was anything which could be considered in the light of an implied contract with the persons in question, by which Parliament was bound to leave them in possession of their franchises, he did not ask the House to adopt the measure. He did not, however, so read the Act of Parliament. The ninth clause of the Act pointed out distinctly what were the penalties from which parties giving evidence before the Commissioners should be indemnified, and the following section stated that the certificates of indemnity were to apply to the penalties there specified; but there was nothing in the Act to fetter future legislation. Considering how many Gentlemen of no mean legal ability had thought it their duty to address the House on the Motion before it, he regretted that an hon. and learned Friend of his (Sir F. Kelly), a great light in the profession, had taken no part in the discussion. Why was that? He (the Attorney General) would give the House an answer. He would undertake to say that his hon. and learned Friend could not stand up in his place and contravene the proposition he (the Attorney General) had just laid down, namely, that the section in question of the Act of Parliament did not fetter the legislative action of that House. If the constitutional principle was to be applied to those cases that no man was called on to criminate himself, and that Act of Parliament was intended to maintain that principle inviolate, he would ask, what was the object of that part of the Act which called on the Commissioners to report by name every man who was proved before them to have been guilty of bribery? He should say that the object and intention was to disfranchise individuals in cases where the conduct of those individuals called for such a mark of legislative deprivation. He must again say he did not think the House would be at all straying from the meaning or intention of the Act of Parliament in disfranchising those guilty parties. He thought, on the contrary, that no contract had been made with those parties to give evidence which at all would warrant their proposed disfranchisement being regarded in the light of a breach of faith on the part of that House; and that hon. Members might not be over astute in their endeavours to discover a *locus penitentiæ* for persons who had so abused a great public trust.

SIR FITZROY KELLY said, he must beg to express his thanks for the handsome and unmerited eulogium passed on him by his hon. and learned Friend the Attorney General, but he was afraid it might be the occasion of his inflicting a speech upon the House, which would not otherwise have been the case, as he should have been content to leave the case in the hands of his right hon. Friend the Member for Midhurst (Mr. Walpole); but, having been, as it were, challenged, he must say that this was the very first time on which a Bill had ever been brought forward in either House of Parliament to inflict pains and penalties and disabilities on a number of individuals who had been convicted by no jury, and yet who were, under the sanction of that House, to be deprived of a franchise which the law conferred upon them, upon an *ex parte* Report, against which they had not even had the opportunity of being heard. His right hon. Friend (Mr. Walpole) had put a question to the Attorney General which he (Sir F. Kelly) thought was not an unreasonable one. It was, whether this Bill, which had for its object the disfranchisement of a large number of persons, sought only to disfranchise those who appeared to have committed bribery at the last election, or whether it included all who had committed bribery at the numerous preceding elections which had been inquired into by the Commissioners? The Commissioners reported not as to one or two, but six, seven, and eight elections, and in the case of Maldon their inquiries extended so far back as the year 1826. Surely, then, it was not unreasonable to ask the number of persons to whom it was sought to apply these Bills of disfranchisement. Taking the first case—that of Canterbury—the Bill proposed to disfranchise as many as 100 or 150 individuals, and supposing the individuals proposed to be disfranchised should hereafter petition both Houses of Parliament, and claim to be put upon their trial before they suffered the consequences of a conviction by law, how could the House refuse to hear them? He challenged his hon. and learned Friend (the Attorney General) to point out a single instance in the whole history of our Legislature in which any man sought to be disfranchised by a Bill in Parliament, except a Bill of Pains and Penalties, where the person sought to be punished by that Bill was not entitled to be heard with all the protection of the forms of a judicial prosecution. He could say, without fear of contradiction, that this was the single and unprecedented instance of a Bill of Pains and Penalties against a great number of individuals who had never been put upon their trial, and had consequently had no opportunity of being heard in their defence. With regard to the Act of Parliament itself, as he had been called upon, although he did not think this a fit arena for arguments of this nature, he had no hesitation in stating his views. If the Act of Parliament were a penal Act, and were so to be construed, then he thought it was sufficiently ambiguous in its terms to entitle the persons convicted of the offence complained of to the indemnity insisted upon on that (the Opposition) side of the House. First of all, the Act provided that, upon evidence being given by any accused persons, the persons so giving evidence should be protected and indemnified against actions, disabilities, forfeitures, and a number of other pains and penalties. If the Act stopped there, no doubt, all such persons would have been fairly entitled to indemnity; but it went on to say that they should be indemnified from all penal prosecutions to which they might be liable or become subject at the suit of Her Majesty or any other person. If the words, "at the suit of Her Majesty or any other person," referred, as in ordinary grammatical construction they would, to the last antecedent—namely, to "all penal prosecutions to which he may become liable or subject," then the person giving evidence was indemnified from all pains and penalties whatsoever. But if, on the contrary, the final words overrode the entire sentence, then, no doubt, the construction insisted upon by the Attorney General was the true construction. The Act, at any rate, was sufficiently ambiguous in its terms to entitle any man to say he had a fair reason to expect to be indemnified against pains and penalties. But whatever might be the strict legal meaning of the Act of Parliament, was it not in substance a direct violation of all honour and justice if these pains and penalties were inflicted? If, instead of bribery, the offence had been the crime of high treason, and the parties had given evidence sufficient to convict themselves of high treason, would it be proper for Parliament to step in and say, "We will not indict you for high treason, but we will bring in a Bill of Pains and Penalties and inflict on you the punishment awarded to high treason, upon your own confession?" In such a case, would not the parties thus visited be entitled to ask, "What is the meaning of your Act of Parliament?" The Bill was nothing more nor less than a Bill of Pains and Penalties, and a Bill against any subject of the realm, for any offence whatever, ought to entitle that subject to be heard by counsel, and to undergo a trial with all the forms of law. He considered the Bill a delusion and a deception, and he thought he should not be charged with using too strong language when he characterised it as a fraud. The parties who had given evidence before the Commissioners had been led to believe, and had in fact been told, that they would not expose themselves to disfranchisement, and they therefore gave their evidence, under that assurance, freely, fully, and candidly. They were now, however, to be told that they would be liable to no action at law, and would suffer no action for pains and penalties, but that at the same time they would be punished in some other way, and would be deprived of their franchise.

Motion made, and Question put—

"That leave be given to bring in a Bill for the prevention of Bribery in the Election of Members to serve in Parliament for the City of Canterbury."

The House *divided* :—Ayes 189; Noes 118: Majority 71.

List of the AYES.

A'Court, C. H. W.
Alcock, T.
Anderson, Sir J.
Bagshaw, J.
Baines, rt. hon. M. T.
Ball, J.
Baring, rt. hon. Sir F. T.
Barnes, T.
Bass, M. T.
Beamish, F. B.
Bell, J.
Benbow, J.
Bethell, Sir R.
Biggs, W.
Blackett, J. F. B.
Bowyer, G.
Boyle, hon. Col.
Bramston, T. W.
Brand, hon. H.
Brocklehurst, J.
Brotherton, J.
Brown, H.
Brown, W.
Bruce, Lord E.
Bruce, H. A.
Buckley, Gen.
Bulkeley, Sir R. B. W.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Caulfield, Col. J. M.
Cavendish, hon. G.
Challis, Mr. Ald.
Chambers, T.
Chaplin, W. J.
Cheetham, J.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Cockburn, Sir A. J. E.
Coffin, W.
Cogan, W. H. F.
Cowper, hon. W. F.
Craufurd, E. H. J.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Dent, J. D.
Duff, G. S.
Duke, Sir J.
Duncan, G.
Dundas, F.
Dunlop, A. M.
Dunne, M.
Ellice, E.
Esmonde, J.
Ewart, W.
Fagan, W.
Feilden, M. J.
Ferguson, Col.
Fitzroy, hon. H.
Forster, C.
Forster, J.
Fortescue, C. S.

Fox, W. J.
Gardner, R.
Geach, C.
Gladstone, rt. hon. W.
Goodman, Sir G.
Graham, rt. hon. Sir J.
Greene, J.
Greville, Col. F.
Grey, rt. hon. Sir G.
Hadfield, G.
Hall, Sir B.
Hankey, T.
Hastie, A.
Headlam, T. E.
Heard, J. I.
Heneage, G. H. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Howard, hon. C. W. G.
Howard, Lord E.
Hume, J.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Keating, R.
Kennedy, T.
Keogh, W.
Kerrison, Sir E. C.
Kershaw, J.
King, hon. P. J. L.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Laslett, W.
Lawley, hon. F. C.
Lee, W.
Lockhart, A. E.
Lowe, R.
Mangles, R. D.
Marshall, W.
Massey, W. M.
Matheson, A.
Matheson, Sir J.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Muntz, G. F.
Murrough, J. P.
Norreys, Lord

O'Brien, P.
O'Connell, J.
Osborne, R.
Paget, Lord A.
Paget, Lord G.
Paget, Lord
Patten, J. W.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Peto, S. M.
Philipps, J. H.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pilkington, J.
Pollard-Urquhart, W.
Price, Sir R.
Price, W. P.
Ricardo, O.
Rice, E. R.
Richardson, J. J.
Robartes, T. J. A.
Roebuck, J. A.
Russell, F. C. H.
Russell, F. W.
Sadleir, J.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scully, F.
Seymer, H. K.
Seymour, W. D.

Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, J. B.
Smith, rt. hon. R. V.
Sotheron, T. H. S.
Stanley, hon. W. O.
Strutt, rt. hon. E.
Sutton, J. H. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornhill, W. P.
Traill, G.
Walmsley, Sir J.
Walter, J.
Warner, E.
Watkins, Col. L.
Wells, W.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Williams, M.
Williams, W.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Berkeley, G. L.

List of the NOES.

Arkwright, G.
Baird, J.
Bankes, rt. hon. G.
Barrow, W. H.
Bateson, T.
Beach, Sir M. H. H.
Bennet, P.
Bentinck, G. W. P.
Blair, Col.
Boldero, Col.
Booker, T. W.
Booth, Sir R. G.
Bruce, C. L. C.
Buck, L. W.
Burghley, Lord
Campbell, Sir A. I.
Carnac, Sir J. R.
Cecil, Lord R.
Chelsea, Viscount
Clive, R.
Cobbett, J. M.
Cobbold, J. C.
Codrington, Sir W.
Coles, H. B.
Compton, H. C.
Crook, J.
Davies, D. A. S.
Davison, R.
Dering, Sir E.
Disraeli, rt. hon. B.
Duncombe, hon. O.
Dundas, G.
Dunne, Col.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Frewen, C. H.

Fuller, A. E.
Gilpin, Col.
Gladstone, Capt.
Gooch, Sir E. S.
Greaves, E.
Greenall, G.
Grogan, E.
Gwyn, H.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Hanmer, Sir J.
Hardinge, hon. C. S.
Hawkins, W. W.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, hon. P. E.
Hildyard, R. C.
Horsfall, T. B.
Hotham, Lord
Hume, W. F.
Irton, S.
Jones, Capt.
Jones, D.
Kelly, Sir F.
Kendall, N.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Langton, W. G.
Lennox, Lord A. F.
Lennox, Lord H. G.
Liddell, H. G.
Lindsay, hon. Col.
Lovaine, Lord
Macartney, G.

Malins, R.
March, Earl of
Masterman, J.
Michell, W.
Montgomery, Sir G.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Napier, rt. hon. J.
Neeld, J.
Pakington, rt. hon. Sir J.
Palk, L.
Percy, hon. J. W.
Portal, M.
Pugh, D.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Sandars, G.
Scott, hon. F.
Smijth, Sir W.
Smith, W. M.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Starkie, Le G. N.
Sturt, H. G.
Taylor, Col.
Tomline, G.
Trollope, rt. hon. Sir J.
Vance, J.
Vansittart, G. H.
Vyse, Capt. H.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Willoughby, Sir H.
Wise, A.
Woodd, B. T.
Wyndham, Gen.
Yorke, hon. E. T.

TELLERS.
Whiteside, J.
Cairns, H. M.

Bill *ordered* to be brought in by Mr. Attorney General, Mr. Solicitor General, and Viscount Palmerston.

MR. WALPOLE said, that after this division he would not oppose the other Bills of which the hon. and learned Attorney General had given notice.

On the Motion of the Attorney General, leave was then given to introduce similar Bills for the prevention of bribery in the election of Members to serve in Parliament for the boroughs of Cambridge, Barnstaple, Kingston-upon-Hull, and Maldon.

DUBLIN PORT BILL.

SIR JOHN YOUNG said, he had now to ask leave to introduce a Bill to enable the collector general of rates and taxes in Dublin to levy money to repay a certain outlay by the Corporation for preserving and improving the Port of Dublin, in and about repairing the quay wall of the River Liffey, and for the future repairs thereof.

MR. GROGAN said, he must complain that already the citizens of Dublin were more heavily taxed for local purposes than those of any other town or borough in the kingdom, and to such an extent had taxation proceeded, that every one of limited means who could by any possibility do so, retired to the outskirts of the city. He wished clearly to understand the purport of the Bill.

SIR JOHN YOUNG was understood to say, that at present, in consequence of a recent Act, the Corporation of Dublin had no power to levy money for the purposes of improving the port, and the Bill was intended to confer the necessary powers for that purpose.

Leave *given.*

Bill *ordered* to be brought in by Sir John Young and Viscount Palmerston.

Bill read 1°.

DUBLIN CARRIAGE BILL.

SIR JOHN YOUNG said, he would now move for leave to bring in a Bill to amend the Dublin Carriage Act of last Session. The object of the present Bill was to provide that in all cases after licences for 1,600 cars and 200 four-wheeled carriages had been granted, a sum of 25*l.* should be paid for every additional licence. The Bill also increased the annual fee on renewal of licence from 1*l.* to 2*l.*, which would considerably augment the resources at the command of the Dublin Corporation for payment of the police force. The first provision of the Bill was rendered necessary in consequence of the complaints of the car-drivers and car-proprietors, who in Dublin were generally a very poor class of persons, and who having, in many instances, paid as much as 40*l.*, for their licences had been injuriously affected by the Bill of last Session.

MR. VANCE said, he believed that the Bill of the right hon. Baronet was by no means unlikely to establish a monopoly in the car trade of Dublin. He did not think the Bill was either favourable to the car-owners generally, or acceptable to the inhabitants of that city. He hoped, therefore, that the right hon. Gentleman would consent to the issuing of a Commission, to ascertain the real state of the facts, before proceeding further with the measure. And, certainly, if he (Mr. Vance) did not receive an assurance to that effect, he should reserve to himself the right of giving every opposition to the Bill when it came to be read a second time.

Leave *given.*

Bill *ordered* to be brought in by Sir John Young and Viscount Palmerston.

Bill read 1°.

The House adjourned at a quarter before twelve o'clock.

HOUSE OF LORDS,

Tuesday, March 21, 1854.

MINUTES.] PUBLIC BILLS.— 2ª Valuation (Ireland) Act Amendment.

3ª Mutiny; Marine Mutiny; Exchequer Bills (£1,750,000); Commons Inclosure.

MANNING THE NAVY—QUESTION.

THE EARL OF ELLENBOROUGH said, that a statement appeared in the public papers to the effect that the Admiralty had given notice at Sheerness and other places, that they were willing to engage able seamen for the naval service for the limited term of one year. He wished to know from the noble Earl opposite (the Earl of Aberdeen) whether that statement was true; and, if it were true, what was the rate of wages proposed to be paid to men thus entering the service?

THE EARL OF ABERDEEN said, the Admiralty had given notice of their willingness to engage able seamen for one year. The arrangement usually entered into was for five years; but, though the new arrangement was for a shorter period, it was proposed that the seamen engaged for one year should be placed upon the same footing as regarded wages as the able seamen generally in Her Majesty's service.

THE EARL OF ELLENBOROUGH said, it appeared to him that the new arrangement was objectionable for several reasons. In the first place, the services of the men engaged for one year would expire precisely at the moment when their continuance would be of the utmost importance. The consequence would be that the men whose term of service was about to expire, would be enabled to make their own conditions as to entering afresh at a time when the Government were most in need of them, and after they had received provisions and pay for four months of inaction in port. If the Government threw over the exercise of Her Majesty's power of impressment, and determined to obtain seamen as merchants obtained them, they should act as merchants would act; and no sensible merchant would think of engaging men till March for a voyage which would end in November. Further than that, if Her Majesty's Government determined on holding out to persons so engaged for a year, the same advantages they offered to able seamen who would engage for five years, he was afraid the system would operate very injuriously, for no person would be willing to engage himself for the more lengthened period. It appeared to him that seamen considered it an advantage to serve in the Queen's service; and he believed that so far from its being necessary to offer higher wages to men to engage with the chance of being shot, that in fact the excitement of service on board Her Majesty's ships—the expectation of being shot at—induced men rather to engage than to refrain from engaging in that service. At the same time, when merchants gave 3*l.* or 4*l.* a month, it seemed contrary to all reason that the Government should obtain the services of able seamen for the very much smaller amount of 2*l.* 9*s.* 1*d.* In the emergency in which they were placed, it was quite right in the Government to abandon the principle of endeavouring to engage men for a longer period than was absolutely necessary; but to abandon it in the way they had done seemed to him contrary to all reason, and even if it succeeded, he believed it would be injurious to the service. He felt impelled to call the attention of Her Majesty's Government to another circumstance with respect to the manning of the fleet, which was very inconvenient. He did not object to engaging under present circumstances coastguardmen and pensioners, but at the same time it certainly would be accompanied with great practical inconvenience. The coast-guardmen were not able seamen under all circumstances; he believed the great majority were only ordinary seamen, and would do only ordinary duty; but they received excessive pay as coast-guardmen, and when employed on board ship they received the same pay. They, therefore, doing the duty of ordinary seamen, received 3*s.* a day; that was, they received in the course of a month of thirty-one days 4*l.* 13*s.*, whilst the chief petty officer only received 3*l.* 9*s.* 9*d.* The coast-guardmen would, therefore receive higher pay by 1*l.* 3*s.* 3*d.*, for acting as ordinary seamen, than chief petty officers; and higher pay by 2*l.* 3*s.* 11*d.* than able seamen; and higher pay by 2*l.* 14*s.* 3*d.* than ordinary seamen, whose duty they were performing. He thought that would lead to very serious inconvenience, and was calculated to create very great dissatisfaction. In fact, it placed a man in this position—that if he were desirous of serving Her Majesty on board the Baltic fleet or any other fleet, and, at the same time, had a due regard for his own interest, his object was not to engage at once as seaman. Quite the contrary; if he went into the Coast Guard, he obtained double what he would receive as seaman; from the Coast Guard he would be transferred to the service of the Navy, and would receive more than double as much as if he had entered into the fleet in the first instance. That would lead to great practical inconvenience; and he thought it should receive the consideration of Her Majesty's Government. He was quite sure, looking forward as he did to the continuance of war for no inconsiderable period, it became them to look forward also, and to take measures beforehand which should lead to the manning of Her Majesty's fleet with proper seamen, able seamen, and ordinary seamen—with good crews, as in former times. They should send back the Coast Guard to take care of the revenue, which in the meantime seemed to be thrown overboard, being placed in the hands of pensioners, and in many instances, perhaps, in the hands of those who had been under the particular surveillance of the Coast Guard. He wished to impress upon Her Majesty's Government how necessary it was to take long forethought, a long view into futurity—to look not only to the circumstances of the moment, but to look forward to the probable state of things in the future—to make that preparation now which should have been begun long ago, for a war which could not be calculated to terminate in one year, but which they might expect to have pressing on them for many years.

THE EARL OF ABERDEEN: This experiment, and an experiment it is, is undoubtedly a novelty; but as it has only been announced about eight and forty hours, it seems a little premature of my noble Friend to judge whether it will succeed or not. But it has been found that, notwithstanding the attraction of being shot at, men may be disposed to engage for one year rather than for five years; and that when they are fairly engaged in duty of this sort, it is not at all improbable that they will continue it beyond the term of their original engagement. It therefore is, as I say, a novelty, but one worth attempting, and I hope it will succeed better than my noble Friend anticipates.

THE EARL OF ELLENBOROUGH: I most earnestly hope it will succeed, but I think it extremely doubtful.

FRAUDS ON THE COMMISSARIAT—CONTRACT FOR HAY.

THE EARL OF ELLENBOROUGH: If my noble Friend (the Duke of Newcastle) will allow me, I wish to call his attention to a statement I have seen in a newspaper with reference to the gross misconduct of a contractor, who had undertaken to furnish pressed hay for the use of the artillery horses about to be despatched on service to the East. With your Lordships' permission, I will read the paragraph. It appears in the *Morning Chronicle* of Saturday, and purports to be an extract from the letter of an officer on board one of the transports at Woolwich:—

> "Government was giving a contractor 7*l.* 10*s.* a ton for hay packed and pressed in trusses. And can you fancy what a scoundrel the fellow turned out? After he had shipped several hundred tons of it, one of his men split on him, and informed that the centre of each truss was made up with all manner of stuff. A board of officers were ordered over to Deptford, had it all unshipped, and, opening the trusses, found the centre of each filled with shavings, straw, and all manner of filth; and in one was a dead lamb! All the hay was very much damped, so as to make it weigh heavy; so, if we had gone to sea with it, the horses would have died, and, more than likely, the ships would have taken fire from spontaneous combustion; and all the punishment this fellow got was taking the contract from him."

The question which I wish to put to my noble Friend is, first, whether this statement be correct, or substantially correct; and next, whether he has ascertained that the criminal law will not reach a miscreant like this—who has done all he can to disappoint the expectations of the country, to bring the greatest possible calamity on the horses embarked, and thus preventing the arrival of the artillery in a state of efficiency, to disable it from acting with the troops, and to paralyse the whole expedition?

THE DUKE OF NEWCASTLE: My Lords, I have seen the paragraph in the newspaper to which my noble Friend has alluded. I am sorry to say—as an Englishman, I am ashamed to say—that the statement he has read is not only substantially correct, but correct in all its parts, with one single exception, namely, that the discovery was not made by one of his men "splitting" on him, but in consequence of the investigation by the officers of the Government which under such circumstances invariably takes place, and which, no doubt, the miscreant, as my noble Friend has rightly termed him, had not anticipated. The circumstances of the case appear to have been understated. They are these. Upon a certain number of horses being ordered for foreign service, and transports having been taken up for their conveyance, advertisements were inserted in the newspapers for the supply of hay. At the end of the time limited, only one tender, and that for only a small quantity, was sent in. Under those circumstances, letters were addressed to seven persons who had been in the habit of supplying hay for army purposes to inquire what amount and at what price they could supply. Letters were received at the time appointed from, I believe, all those parties, stating the quantity and the price; and amongst others, this person's offer was accepted. I am not able to say at present whether more than one of those persons have been guilty of this fraud; but, upon investigation by the officers, though the exterior of the hay supplied by one person seemed excellent, it was found to contain the filth to which my noble Friend has referred. Under these circumstances the hay was returned for rejectment, and great inconvenience and loss of time were the consequences. My noble Friend asks further, whether the criminal law will touch these parties? I am not at the present moment prepared to answer that question; and I dare say those noble Lords who are more competent to form an opinion upon a question of law will admit that the law is not very clear and definite upon that point. But I have seen the Solicitor to the Treasury on the subject, and he will receive instructions to make careful inquiries into all the circumstances of the case. I believe it will probably be found that a case of contract can be established upon those letters to which I have referred. The Solicitor to the Treasury is also instructed to submit a case for the opinion of the law officers of the Crown; and upon their opinion of course the future proceedings of the Government will be guided. In a case of so flagrant a nature, entailing in all probability, if it had not been discovered, the loss of all these horses, and, as everybody is aware, involving the consequent inefficiency of the whole artillery—in a matter of such serious consequence—affecting not merely the lives of the horses, but the lives of Her Majesty's troops—and under such circumstances, I can assure my noble Friend the Government will be prepared to deal with the offender with the utmost severity which the law enables. Whether, if the law should be found inefficacious, some amendment should be made, is a question which I will not answer until inquiry has been made.

THE EARL OF ELLENBOROUGH: I think my noble Friend, Her Majesty's Government, and Parliament will come to the conclusion, if the criminal law does not reach a man who commits an offence of this description, that the law ought to be altered, and without the slightest delay. I speak from recollection of an extremely distant period, but I think when, in the Peninsular war, hay was furnished in large quantities for the use of the troops in Spain, it was pressed at the establishment of the Victualling Office. The operation of pressing is of a very simple nature, and there is no reason why Government should not perform it themselves, and not trust to the respectability of merchants and contractors, if they are liable to be deceived in this manner.

THE EARL OF DERBY: I entirely concur with what my noble Friend behind me has just said, that if the law is found not to reach the case, it becomes the duty of the Government—a duty which I shall be pleased to share in—to make the law applicable to such a case. I understood from my noble Friend opposite (the Duke of Newcastle) that the case has been already investigated, and that it has received the full consideration of the Board—that there is not any question with regard to the guilt or innocence of the party, but merely as to the applicability of the law to the case. If that be the case—if the guilt of the party be not a matter of doubt, there is one punishment, perhaps the most effectual, to which the party can be subjected, and I think it is the duty of the Government to state the name of the party publicly before the House and the country.

THE DUKE OF NEWCASTLE: I am really not able at this moment to mention the name of the party, or unquestionably I should be perfectly ready to do so. All I can say is, I hope a much more serious punishment than the simple announcement of his name awaits him; but if nothing further can be done, his name shall certainly be made public.

LORD BROUGHAM: I would fain hope that the law does reach this case. If not, undoubtedly, however strong may be that objection which I have always felt to any alteration of the law to meet particular cases, which generally leads to very great mischief—notwithstanding my general repugnance to such a course, if so monstrous, so grievous a defect is proved to exist in our criminal law, I for one shall be disposed, if possible, to waive that objection. If more than one person was engaged in this transaction, no doubt the criminal law would at once touch them; they would be guilty of conspiracy of a grave nature—conspiracy, mingled with the grossest fraud. I have some doubt if a single individual contractor is amenable to the criminal law as it now stands. If this deceit was for the purpose, or had the effect, of endangering the health of any individual, then it would come under the scope of the criminal law of the country. I have very great reluctance in dealing with subjects of this sort with reference to particular cases, because, though it may be a remote possibility, they might come before us in our judicial capacity, for which reason I gladly abstain from commenting on the particulars of the case. It is enough for me to call the attention of my noble Friends to any defect in the law; but I heartily hope it will be found in this instance that defect of the law does not exist.

THE EARL OF ELLENBOROUGH: There was a very much worse case two or three years since, which affected the health of the Navy. I allude to the preserved meats. As in that instance the contractor escaped and was not punished, no doubt inquiry was then made as to the possibility of prosecuting in cases of this kind, no doubt it was found impossible to punish him.

THE EARL OF MALMESBURY: I think it is to be extremely regretted that the noble Duke has not ascertained the name of this criminal—for I can call him by no other designation—so as to gibbet him to the country as the person who has committed this atrocity. I am quite sure at the present moment that would be about the greatest punishment he can suffer. Considering the important operations about to be undertaken, and the feelings of the country in reference to those operations, it is impossible to conceive greater punishment than the publication of the name in both Houses of Parliament, whilst all the circumstances are fresh in the minds of the public. I believe, if he were known, that man would not dare to go out of his house for the next month.

THE DUKE OF NEWCASTLE: Since I last replied to the noble Earl opposite (the Earl of Derby), I have ascertained from a gentleman of the department whom I knew to be here, the name of the party. I am quite ready to give it. [The noble Duke then mentioned the name which had been given to him. It is thought better to omit it, because the information proved to be erroneous; and it was subsequently stated, on authority, that some of the circumstances which so greatly aggravated the case did not attach to the article supplied by the party whose name was intended to be given.] I should say, in answer to my noble Friend, I sincerely hope he will receive a much more severe punishment than the publication of his name.

House adjourned to *Thursday* next.

HOUSE OF COMMONS,

Tuesday, March 21, 1854.

MINUTES.] PUBLIC BILL.—2° High Treason (Ireland.)

CANADA, NEW BRUNSWICK, AND NOVA SCOTIA RAILWAY BILL.

Orders for Second Reading read.

MR. BROTHERTON moved to postpone the second reading of this Bill until Tuesday the 11th of April.

MR. BOUVERIE said, he should propose as an Amendment, that the Bill should be read a second time that day six months. As far as he could understand its meaning, he was quite sure that it was a measure which that House ought not to sanction. It was a very short Bill. It recited an Act of the Canadian Legislature, incorporating a railway company in Canada; it referred also to Acts of the Provincial Legislatures of New Brunswick and Nova Scotia; and it proposed that the House of Commons should confirm those Acts. It interfered, therefore, with the Colonial Legislature in a matter which was quite within its competency; and it trenched therefore upon the rule which had been laid down for leaving exclusively colonial subjects to be dealt with exclusively by the Colonies themselves. There was a clause at the end of the Bill reciting the great interest which had been taken by a Mr. Tibbetts in the formation and promotion of the company; and providing that, in the event of circumstances compelling him to retire from the secretaryship and management, he should be fully remunerated for the term of his natural life. This appeared to him to be the only reason why the House was asked to pass this Bill. He could discover no other object with which it could have been introduced; and, at all events, he did not think that it was a measure which they could be fairly asked to agree to.

Amendment proposed, to leave out the words, " Tuesday the 11th day of April next," in order to add the words " this day six months," instead thereof.

MR. BROTHERTON said, he was informed by the agents of this company that a deputation was coming from New Brunswick to this country on the subject of the Bill; and he thought if that were so, it would be well to give them time, until the 11th of April, that they might have an opportunity, if possible, of making out their case. If they failed to do that satisfactorily, of course he should have nothing to say.

Mr. FREDERICK PEEL said, he should support the Amendment. This company had been incorporated by the Canadian Legislature, and, in the opinion of the law officers of the Colony, had forfeited its charter. This Bill proposed to give it a charter of incorporation in the three provinces of Canada, Nova Scotia, and New Brunswick. The proper course would have been to apply to the Canadian Legislature to revive that which had been forfeited, and to the Legislatures of New Brunswick and Nova Scotia, for new charters in those Colonies. But there was a much more serious objection to the measure. It proposed to vest in this company a belt of land of ten miles in breadth, which the Colonial Legislature had authorised the Governor General to place at the disposal of the Imperial Government, with a view to the construction of an important line of railway in the Colony, giving no security, however, for the completion of the line.

Mr. BROTHERTON said, if the Government opposed the Bill, of course he would not press it.

Question—" That the words proposed to be left out stand part of the Question," put and *negatived.*

Words *added:* — Main Question, as amended, put, and *agreed to.*

Second reading *put off* for six months.

POSTAGE TO THE BALTIC FLEET—QUESTION.

Colonel HERBERT said, he wished to call the attention of the First Lord of the Admiralty to an official announcement, which had been issued by the Post-Office authorities, in reference to the rate of postage of letters for officers of the Baltic fleet, and to ask whether the Government would agree, when the mails were conveyed in Her Majesty's ships of war, commissioned as such, that the letters should be charged the English rate of postage only?

Sir JAMES GRAHAM said, he had thought it right to bring the announcement to which the hon. and gallant Officer had referred under the consideration of the Board of Admiralty, who had immediately addressed the Postmaster General upon the subject, and had intimated their opinion that the rate of postage proposed, and especially upon letters for officers, were very high. He had to-day received an answer from the Postmaster General, to the effect that the notification was in strict conformity with the existing postage regulations; that he, as Postmaster General, had no power of altering those regulations or of remitting any portion of the charge, but that this power was confined exclusively to the Lords of the Treasury. In consequence of this answer, a remonstrance from the Board of Admiralty had been sent to the Treasury, and he entertained a confident expectation that this would lead to a very great reduction of the charge.

FRAUDS ON THE COMMISSARIAT—CONTRACT FOR HAY.

Colonel BLAIR said, he wished to ask the First Lord of the Admiralty whether there was any foundation for the report which had appeared in the public journals, stating that a gross fraud had been practised in the forage contract for horses going to the East; and if it were true, whether the Government had any power to inflict punishment on the offending parties further than by the loss of their contract. The report stated that the hay was damped, to make it weigh heavier; that on opening some of the trusses, they were found to contain straw, and shavings, and all manner of filth; and that in one of them was a dead lamb!

Sir JAMES GRAHAM said, it was true that a fraud had been attempted, but not perfected. The attempt had been detected, and the hay rejected; and a fresh supply had been obtained, which was entirely satisfactory to the officers.

Colonel BLAIR said, he must remind the right hon. Baronet that he had not answered the latter part of his question, as to the power of the Government to inflict punishment on the offending parties further than by the loss of their contract.

Sir JAMES GRAHAM said, that there would have been such a power if the fraud had been successful; but that, having been prevented, no further proceedings could be taken.

Colonel LINDSAY said, he wished to know whether the party who had attempted to perpetrate this fraud still continued to supply hay to the Government?

Sir JAMES GRAHAM said, if he had had notice of the question, he would have been prepared to answer it; but his impression was that the contract was for one supply, and that the person alluded to had not been permitted to tender again, and, therefore, was not now a contractor. This he believed to be the fact; but he repeated that, not having had notice of the question, he could not speak with certainty.

MILITARY KNIGHTS OF WINDSOR.

Mr. FITZROY said, the hon. Member for Windsor (Mr. Grenfell) had given notice of his intention to move an Address respecting the Military Knights of Windsor, but his noble Friend the Secretary of State for the Home Department, who was extremely anxious to be present during the discussion, was unavoidably absent from illness, and he therefore appealed to the hon. Member whether, under the circumstances, he would not postpone his Motion till a future day.

Mr. GRENFELL said, that he thought the question of so much importance that, having given notice of his intention to bring it forward, he was sorry he could not accede to the request of his hon. Friend. He had to ask for a larger share than usual of that indulgence which was generally granted to a Member addressing the House for the first time, on account of the interests involved in the question, and the hardships which in his opinion arose out of the present state of the case; and he would therefore first state the objects of the Motion; secondly, the reasons which induced him to bring it forward; and thirdly, the grounds on which it was based. His object was to put an end to a complaint made, he thought, with great apparent justice, but which was one of long standing, by the Military Knights of Windsor, that the Dean and Chapter, who were the trustees of certain land set apart for their maintenance and exigencies, paid themselves according to the proportionate value of money in the present day, while the Military Knights received out of that land the pittance of only one shilling a-day. He did not bring this forward as any charge against the Dean and Chapter, for he was quite sure that body were very anxious, if the claims of the Military Knights were founded in justice, to see them ratified; but he thought the present was a peculiarly proper moment at which to call attention to the subject, when the country was enlisting among her brave defenders many gallant officers who in after years might, through accidental reverses of fortune, be glad to reap the benefits which were intended to be bestowed upon them by this charity. Many of those whose claims he advocated had fought and bled for their country, and had more than one relative now in the service; and therefore he challenged any hon. Member to point out a better opportunity than the present in which to bring their claims under consideration. In detailing to the House the grounds of the present Motion, it would be necessary for him to refer to some ancient authorities; and the first to which he would beg to call their attention was the declaration of the Statutes of the Order, in the reign of Henry VIII., in which it was decreed — first, that the King, his heirs, and successors, should for ever be the Sovereigns of the aforesaid Order. But, referring to the most important part of his subject—the institution of the thirteen knights who laid claim to a larger share of the lands called "the New Dotation"—he would mention, that there were certain entries in the Council-Book of Edward VI. setting forth those lands and containing instructions as to their conveyance; and he also found the record of the proceedings of a Chapter of the Order of that date, in which the Crown grants of Edward VI. were mentioned; he therefore contended that there could be no doubt that those lands were clearly given and bequeathed to the Military Knights of Windsor, and the Dean and Chapter were only trustees of the lands in question. Two hundred years ago, at the time Sir Dudley Rider was Attorney General, he was directed by the Crown to examine the claims of the Military Knights of Windsor, and he gave a decision against them; but at that time the deed of 1547, as well as the evidence respecting the Crown grants of Elizabeth and James I., had not been discovered, and therefore such a decision could not affect their claims. He thought, if it could be shown that the lands in question were really granted to them, the House could not refuse to consider their claims; and it would be a disgrace to the country if this military charity were allowed, even in consequence of misapprehension, to be diverted from its true purposes. He thought the Dean and Chapter of Windsor must be most desirous that this question should be finally settled. He (Mr. Grenfell) had in his possession attested copies of the deeds to which he had referred, and would be happy to submit them to any hon. Gentleman who might wish to inspect them. Doubts had been entertained as to the existence of the deed of the 4th of August, 1547, and it was not until the year 1845 that that deed was discovered in the Record Office in Carlton Ride. He (Mr. Grenfell) hoped that there was now some prospect that the administration of this charity would be placed upon a proper footing. On the 11th of January, 1839, the opinion of Sir John Campbell, now the Lord Chief Justice of the Queen's Bench, was taken upon this subject, and it was in favour of the claims of the Military Knights. The inquiries which were instituted with reference to those claims by the Home Office, between 1841 and 1844, were previous to the discovery of the deed of the 4th of August, 1547, and he thought it was of importance that the question should, as speedily as possible, be settled. He hoped, therefore, that the House would assent to an immediate inquiry into the circumstances of this charity.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, that She will be graciously pleased forthwith to direct the Lieutenant and Chancellor of the most noble Military Order of St. George and the Garter, to take the necessary steps for the due appropriation of the rents and profits, called 'The New Dotation,' granted by the three existing Crown Grants of the 4th day of August 1547, the 7th day of October 1547, and the 30th day of August 1559, for the maintenance and other exigencies of the Military Knights of Windsor, as established by the two Acts of Parliament 39 and 40 Elizabeth, c. 9, and 1 James, c. 31, and further established by the Act 3 and 4 Vic. c. 113."

Mr. FITZROY said, he had requested his hon. Friend (Mr. Grenfell) to postpone this Motion, in consequence of the unavoidable absence, from indisposition, of his noble Friend the Home Secretary, who had devoted his attention to the case, and who would have been prepared, he had no doubt, to give a satisfactory answer to the statements of the hon. Gentleman. As the hon. Member for Windsor had not thought it consistent with his duty to comply with his (Mr. Fitzroy's) suggestion, he was compelled to appeal from the decision of the hon. Gentleman to that of the House. He (Mr. Fitzroy) was satisfied the House would be of opinion that it was important that the Minister representing the department to which this Motion peculiarly referred should be enabled to answer the observations which had been made; and, therefore, without wishing to act with the least discourtesy towards his hon. Friend the Member for Windsor, he must now move the adjournment of the debate.

Mr. HUME said, he thought that if the hon. Member for Windsor had been better acquainted with the practice of that House, he would have assented to the suggestion of the hon. Member for Lewes (Mr. Fitzroy). It was now about eighteen years since this question was brought before the House, and from time to time promises had been given that an inquiry should take place, but he did not think that the subject had ever been properly investigated. He believed there were documents showing that lands and estates, the profits of which ought to have been appropriated to the support of the Military Knights, had come into the possession of the Dean and Chapter of Windsor, and were diverted from the purposes for which they were originally intended. He would, however, under the circumstances, recommend his hon. Friend (Mr. Grenfell) to accede to the suggestion of the hon. Member for Lewes.

Mr. LABOUCHERE said, he considered that the hon. Member for Windsor must, of necessity, pursue the course suggested by the hon. Member for Lewes. He (Mr. Labouchere) could not, however, concur with the hon. Member for Montrose in thinking that the hon. Member for Windsor was open to any censure for the course he had taken. [Mr. Hume: No, no.] He considered that the hon. Member for Windsor had very properly discharged his duties to a portion of his constituents. He (Mr. Labouchere) conceived that this was a case which came rather within the province of the law officers of the Crown than of the Home Office, and he thought possibly that some hon. and learned Gentleman connected with the Government might be enabled to afford the House some information on the subject.

Colonel NORTH said, that whether the debate was to be adjourned or not, one thing, at least, was to be taken into consideration, and that was, that on the 23rd instant these funds were to be distributed, and therefore the greatest anxiety prevailed that the question should be speedily examined into, in order that the knights should not be deprived of their just proportion of them for this year. On Friday last the noble Lord the Member for the City of London had brought under the consideration of the House a proposal for the re-distribution of the revenues of the University of Oxford, with a view to a more equitable division of them; but surely the noble Lord would not, for one moment, maintain that 1*s.* a day was an adequate pension for gentlemen occupying the position of colonels in the army, and that from estates left solely for their benefit. And it appeared, further, that they were altogether without medical attendance, without coals, without candles, and without bedding of any description. And this was the case, although the estates had largely increased—the proceeds, however, being allocated to other purposes. He did not mean to find fault with the canons, but still the fact remained that a sum of 47,000*l.* had been handed over for the building of churches and other purposes. At the same time he must say the case of those distinguished officers ought not to have been lost sight of; and if they had a right to that 47,000*l.*, it ought to be adjudged to them. He could not help adding that the day was a most auspicious one for meeting this question, for on that day just fifty-three years ago many of the gallant officers fought and bled at the battle of Alexandria. He hoped, therefore, that it would not be in vain that such men appealed to the House of Commons, for he believed it never was intended by the founders of this charity that they should benefit so slightly by the property left for their uses.

Colonel DUNNE said, although he had himself for a very long time directed his attention to the subject, he could not consider it advisable to enter on a discussion of the question after the speech of the hon. Under Secretary (Mr. Fitzroy). He hoped, however, that the remarks of his hon. and gallant Friend (Col. North) would prevent any distribution of the funds for this year until the claims had been investigated; but he would join in requesting the hon. Member for Windsor to defer all further discussion until the noble Lord the Secretary for the Home Department was in his place; for, as a soldier, he (Col. Dunne) was quite prepared to place every confidence in the noble Lord's decision.

Sir GEORGE GREY said, he thought that if the debate was to be adjourned they ought not to go any further into the merits of the question. He could not help saying, however, that having gone into the subject when he had the honour of holding the office of Secretary of State, and his right hon. Friend the First Lord of the Admiralty when in the same position having also taken the opinion of the law officers of the Crown with respect to it, he had come to the conclusion that the question was entirely a legal one, and consequently that it will not be in the power of the House of Commons to fulfil the expectations which had been held out otherwise than through the instrumentality of an Act of Parliament. He would, however, recommend the hon. Member for Windsor to consent to the adjournment of the debate, in which case the matter would come on as an Order of the Day, and as in doing so he would be acceding to the request of the Government, it would be but fair if an early opportunity were afforded him of bringing on the question.

Mr. GRENFELL said, under the circumstances of the noble Lord's (Viscount Palmerston's) absence, he would agree to the Motion for adjourning the debate, but he hoped the Government would enable him to bring forward the subject again on an early day, when the noble Home Secretary might be present.

Debate *adjourned* till *Friday.*

CARLISLE CANONRIES.

Mr. FERGUSON said, he begged to ask for leave to introduce a Bill to appropriate the income of such one of the Canonries of the Cathedral Church of Carlisle as shall next fall vacant to the augmentation of certain ecclesiastical incumbencies in that city. He could assure the House that his object in thus intruding himself on its notice was to relieve the position of men eminent for their talents and acquirements, but who were receiving a recompense for their services in most instances less than that paid to the mere labourer. He was quite justified in saying that within the city of Carlisle too much attention altogether had been paid to the higher dignitaries of the Church, while those who occupied the lower stations were almost wholly unprovided for. And as a proof of that he might mention that the whole amount of the income attached to four churches within the two parishes of the city only amounted to 534*l.*, giving an average to each minister of 133*l.* 10*s.*—while the Dean and Chapter received all the income and all the tithes—the Dean getting 1,400*l.* a year, and each of the canons 700*l.* In the time of Henry VIII., when the Cathedral of Carlisle was established, the income of a canon was appointed to be 22*l.* 5*s.*, and the Dean and Chapter, at the same time, were ordered to appoint vicars, instead of which their habit was only to appoint perpetual curates, so that they were thus guilty of a violation of the law. The Dean and Chapter had transferred the property to the Ecclesiastical Commissioners for a sum of 5,680*l.* a year, out of which, after provision was made for the services of the Cathedral, 4,500*l.* was to be distributed among themselves, and then, but not till then, did the incumbents receive any benefit from the funds. In conclusion, it only remained for him to state, that if his Motion was agreed to, three canonries and three minor canonries would still remain attached to the Cathedral Church of Carlisle.

MR. T. CHAMBERS seconded the Motion.

MR. CARDWELL said, he had been requested by his right hon. Friend the Member for the University of Cambridge (Mr. Goulburn), who had been attacked with illness, to make a short statement to the House in reference to this Motion. He would first, however, state that it was not his intention to offer any opposition to the introduction of the Bill. He believed he was right in saying that there could not be gathered from the remarks of the hon. Gentleman that it was his intention to fasten any accusation or convey any imputation against the Dean and Chapter of Carlisle. [Mr. FERGUSON was quite prepared to disclaim any such intention.] On that account, therefore, it would not be necessary for him to occupy the attention of the House for any time, though he hoped hon. Gentlemen would suspend their judgment as to the merits of the whole question until they had heard his right hon. Friend (Mr. Goulburn). In the meanwhile, however, he would say that the Bill of the hon. Gentleman was a purely local Bill, that went to place Carlisle upon a different footing from the remaining cathedral towns of the kingdom; and the House would remember that arrangements had already been made by which a great number of chapters had been dissolved, and the funds belonging to them carried to a common fund, which had been appropriated to increase the salaries of the working clergy throughout the kingdom, which application was not merely local, but general. The House, therefore, would be at once aware that, if the present Bill were sanctioned, it would be placing the cathedral body of Carlisle in a different position from any other body of the same description throughout the kingdom; and that, *primâ facie*, an appropriation of the fund thus created would have to be made for the general benefit of the working clergy of the kingdom, and not for the particular advantage of those of Carlisle. But, in addition to this, he might state that the Commission appointed to inquire into capitular trusts was about to make its Report, and therefore it might be desirable to suspend for a while all judgment on the question raised by the hon. Gentleman.

Leave *given.*

Bill *ordered* to be brought in by Mr. Ferguson and Mr. Thomas Chambers.

BANKRUPTCY (IRELAND).

MR. CAIRNS, in asking for leave to lay upon the table a Bill to amend and consolidate the Law of Bankruptcy in Ireland, said, he was sure he should be acting most in accordance with the pleasure of the House, and also with the nature of his subject, which, at best, was not a very interesting one, if he did nothing more at this stage of the measure than state in a few sentences what were the objects of the Bill, postponing until some future opportunity any discussion as to its details. He would proceed, therefore, at once to explain the objects of the Bill. It had been a matter of complaint for a long period, and by a great number of mercantile firms in Ireland, that the scale of fees in bankruptcy was exorbitant, and was infinitely higher than prevailed in this country. And on a comparison of the two scales he had himself ascertained that in cases of the first class, while in England the whole of the fees would only reach to 15*l.*, in Ireland they might amount to between 70*l.* and 80*l.* Now, the consequence of that was apparent in the fact, that during the last ten years persons had been so entirely deterred from driving debtors into the Bankruptcy Court of Ireland, that the number of bankrupts in that country had not averaged more than sixty-three per annum, a number which it was quite absurd to suppose represented the real state of trade there, if reference were made to the proportion of population between the two countries. The first effect, then, of this Bill was to make provision by which the scale of fees payable in Ireland should be assimilated to that existing in England, and get rid of this preposterous discrepancy. His second object was to enable examination as to matters of fact to be taken in different parts of the country throughout Ireland, instead of compelling persons to be brought up to Dublin to be examined before the Commissioner, thus involving a great expense and a great waste of time. The third object of the Bill had regard to the fact that the Irish law of bankruptcy, being in many respects behind that prevailing in England, he wanted to bring up the law of Ireland to that of the sister country. And fourthly, and lastly, he wished, once and for all, to repeal a large number of old Statutes which existed in Ireland, and through which parties had to wade in order to discover the enactments in force in Ireland on the subject of bankruptcy; so that by this means every one would have the whole bankruptcy laws of Ireland contained within the four corners of this Bill. Such were the simple objects of his Bill, and he hoped it would not prove objectionable to any quarter.

Mr. NAPIER seconded the Motion.

Mr. KEOGH said, the objects proposed to be carried out by the Bill of the hon. and learned Gentleman were most desirable, and he could assure him he would be most happy to offer every assistance in his power to facilitate their promotion.

Mr. VANCE said, that, as a person engaged in commerce, he wished to observe that there was one part of his hon. and learned Friend's plan which he could scarcely see how it could be carried out, namely, as to the examination of witnesses. If witnesses were not to be produced before the Commissioner in Dublin, no opportunity would be offered of cross-examining them to ascertain if their statements were borne out. He had no doubt, however, that a great deal of the present expenses of the Bankruptcy Court could be saved by the reduction of several sinecure offices, one of which, for instance, was the registry of bankrupts. He also thought that the salaries paid to the messengers of the Court were enormously high. He begged to thank the hon. and learned Member for the Bill; he believed that no one was more competent to deal with the subject than he was.

Leave *given.*

Bill *ordered* to be brought in by Mr. Cairns and Mr. Napier.

WAYS AND MEANS—THE INCOME TAX.

Resolution *reported.*

"That, towards raising the Supply granted to Her Majesty, there shall be charged and raised for the year commencing on the 6th day of April, 1854, for and in respect of all property, profits, and gains, chargeable in or for the said year, with the Rates and Duties granted by the Act 16 and 17 Vic. c. 34, additional Rates and Duties, amounting to one moiety of the whole of the Duties which by virtue of the said Act shall be charged and assessed, or shall become payable under any Contract of Composition, or otherwise, in respect of such property, profits, and gains respectively, for the said year; and that the whole amount of the said additional Duties shall be collected and paid with, and over and above, the first moiety of the Duties assessed or charged by virtue of the said Act for the year aforesaid."

Resolution read a second time.

Sir HENRY WILLOUGHBY said, he rose to move the Amendment of which he had given notice—namely, the omission of certain words in the latter part of the Resolution. He intended to have moved his Amendment on the previous evening, but he was accidentally absent at the proper time for submitting it to the consideration of the Committee of Ways and Means. He thought it right, in drawing the attention of the House to the subject under consideration, to state that he entertained considerable doubts whether a sufficient case had been made out for the imposition of a double income tax this year at all. The object of his Amendment was simply to provide that, whatever might be the amount of the fresh tax to be raised in the ensuing year, it should be extended over the whole year, and that the whole of the increase should not be collected in the first half-year. The entire amount to be raised by this tax was calculated by the right hon. Gentleman the Chancellor of the Exchequer at 9,412,000*l.* Now the House should bear in mind that when this country was engaged in the severest of wars with which she was visited—in 1807—the whole amount of the income tax that then existed barely came up to 10,000,000*l.*; and when it was at its greatest height, in 1816, it only amounted to 15,500,000*l.* The effect produced on those parties who were made liable to that tax was shown by the circumstance of a most important petition having been presented to that House, upon the injustice and inequality of the tax. That petition was signed by 22,000 of the chief bankers and merchants of the metropolis. It was therein stated that there were 11,000 surcharges made, and 3,000 appeals set aside. The immediate repeal of the tax was then insisted upon; and when it was given up all the documents connected with it were ordered to be destroyed, so that no record of the tax should remain. Where, he asked, was the case made out for collecting this increase in the tax in the first half-year? There was a surplus upon the first quarter of the year of 800,000*l.*; and, in order to meet any inconvenience to which the Chancellor of the Exchequer might be subjected for the collection of this tax, the House had granted him 1,750,000*l.* of Exchequer bills. According to the statement made by the Chancellor of the Exchequer on the introduction of his Budget, there did not appear to be any urgent necessity for the increase of the income tax at this moment. He stated that the amount required for the year would be 56,189,000*l.*, and he calculated his ways and means at 53,390,000*l.* Last year the right hon. Gentleman calculated the income of the year at 52,990,000*l.* He very wisely took care to be on the right side, and it turned out that the amount actually realised was 54,025,000*l.* He thought the right hon. Gentleman might safely take the next year's income at 54,000,000*l.*, particularly as the succession tax would come into play; and taking into consideration the 1,750,000*l.* Exchequer bills, he thought it quite clear that no such financial pressure existed as ought to prevent the House from agreeing to his proposition. There would not have been a shadow of a claim for this increase of the income tax if something had not occurred to reduce enormously the balances in the Exchequer. The reduction, in point of fact, amounted to something like one-half. It was necessary that the House should understand the position of the national finances, in order to enable them to see whether the increase of this odious, inquisitorial, and obnoxious tax was justifiable. He did not think that there was an hon. Member in that House, with the exception of those connected with the Government, who could state what had been the practical effect of the attempted conversion of stock last year on the finances of the country. What had been the effect of the right hon. Gentleman's measure for the attempted conversion of the three per cents into stock? It was quite clear that the right hon. Gentleman had stated last year, when proposing his financial measure, that, if anybody wanted the cash, nothing was more convenient than to pay it. Now, he (Sir H. Willoughby) believed that that observation was only true to a small extent. It was quite evident that the right hon. Gentleman did not imagine that such a mass of claims would have been made upon him. The right hon. Gentleman did certainly pay a large sum out of the balance in the Exchequer—he believed to the extent of 4,500,000*l.* What was the consequence? Of course the Consolidated Fund had a large burden thrown on it. And how did the right hon. Gentleman meet this burden? He was obliged to have recourse to the surplus income of the country, and to call upon the Commissioners of the National Debt to supply him with deficiency bills. It was quite clear that the surplus revenue of the country was laid hold of, which in law should have been applied towards the cancelling of the national debt. The effect of this injurious measure was the giving 100*l.* for what was not worth more than 91*l.*, instead of cancelling 100*l.* three per cent stock for 91*l.*, so that the nation lost both ways. It appeared to him that that was the necessary consequence of the right hon. Gentleman's financial proposition of last year. The House would bear in mind that the right hon. Gentleman not only dealt with the unfunded debt, but he reduced the interest upon Exchequer bills from a penny a day to a halfpenny. Now the holders of these bills considered that this measure of the Chancellor of the Exchequer was very unfair. A large quantity of those bills were thrown back upon the right hon. Gentleman, to the amount of 3,128,000*l.* He wished to ask the right hon. Gentleman whether he meant to deal with the savings banks money? He denied the right of the Commissioners themselves to deal with the money of the savings banks for any purpose irrespective of the savings banks. He would ask the right hon. Gentleman again whether he did not, in June and October, actually sell 778,000*l.* of the three per cent stock and savings banks money, for the purpose of making certain changes in finance, quite irrespective of the savings banks themselves? Did not the right hon. Gentleman lay hold of 1,200,000*l.* of the savings banks money for the purpose of paying the Exchequer bills and of converting them into new three per cent stock? If they referred to the balance-sheet they would see it stated that the increase to the funded debt was *nil.* That was no doubt true in one sense, but not true in another. By meddling with the savings banks money he believed a fresh debt had been created, without the knowledge of that House, to the extent of 1,220,000*l.* of three per cent stock. It was too much to borrow on the one side and to create a permanent debt on the other. Now, by what authority had the right hon. Gentleman done so? The law placed the savings banks money under the control of Commissioners, one of whom was the right hon. Gentleman the Speaker, certain of our Judges, the Master of the Rolls, and the Accountant General. He (Sir H. Willoughby) wished to know whether this act had been done by their authority; and whether the right hon. Gentleman (the Chancellor of the Exchequer) had really authority to take upon himself the responsibility of these financial measures? He could not consider anything more dangerous than that the whole of the savings banks in the kingdom, with a capital of 33,000,000*l.*, should be at the beck and under the control of the Chancellor of the Exchequer of the day; because, if he had the power of converting 1,200,000*l.* of their money to a permanent debt, he could equally convert millions. The noble Lord the Member for the City of London had admitted that this tax was oppressive and inquisitorial. It was only last year the House had been informed by the Chancellor of the Exchequer of his scheme for the gradual abolition of the tax. The words were hardly out of his mouth when they were told by the same right hon. Gentleman that he should increase the tax. Now if they were going to make the tax permanent, they ought to consider it in all its bearings. It was utterly impossible for the Government to carry public opinion with them, in pressing this tax in its present shape. If you were going to have a national war, and if you meant to throw the burden of this tax upon Schedules A, B, and C, it would amount to something like confiscation. Last year the Chancellor of the Exchequer was kind enough to write a letter to a Birmingham clerk, in which he referred to the tax in a manner that reflected much credit upon him, and comforted his correspondent with the prospect of cheaper provisions. How would the right hon. Gentleman address this unfortunate clerk in the present year? He would be compelled to inform him, that because provisions were excessively dear and coals very scarce, he proposed to double the income tax upon the poor clerk. When the late Sir Robert Peel was proposing the imposition of the income tax, that right hon. Baronet said that the reduction which he was at the same time making in the general tariff of the country would be somewhat equivalent to it. The late Mr. Charles Buller said, in reply to the observation, that he had looked over the schedule of duties, and he found that the greatest reduction of duties was made in drugs, so that he supposed it was intended that unfortunate clerks were to make up for the impost by the consumption of physic. But was the land, with its many other burdens, to bear also this increased tax? The last burden thrown upon the land was the succession tax, which would press heavily upon it. The poor corn-grower, and every man who received his 100*l.* a-year from the land, would be compelled to bear this additional tax. Let the House consider the peculiar burdens of the land. There was the land tax, the tithes, the county rate, and the poor rate. It had also impending over it the Bill of the Chief Commissioner of Poor Laws, which, if passed into a law, would place a tax upon the land for all "the miseries which flesh is heir to." He said, then, that this was no time to press an additional tax upon the occupiers of land. There was one other class to which he would refer—an important class—which illustrated the inequality of the tax. It arises under Schedule C. The right hon. Gentleman had evinced a peculiar love for inflicting this tax upon what were called Long Annuitants. Unfortunately, those annuitants were now very short; they would expire in 1860. Now, to place the same tax upon those annuitants as was placed upon the holders of permanent property, was, in his opinion, nothing short of confiscation. He therefore pressed the House to assent to his proposition, which, if carried, would have the effect of lightening the burden which the right hon. Gentleman proposed to place upon the people.

MR. FITZSTEPHEN FRENCH, in seconding the Amendment, said, he wished to call the attention of the House to the great hardship which the tax would inflict upon a certain class of individuals. He did not desire to exempt Ireland from a fair proportion of the burdens which Parliament might think it necessary to impose upon the United Kingdom. But it should not be forgotten that the Chancellor of the Exchequer had last year imposed the income tax upon Ireland, along with an increased spirit duty. And in addition the legacy duty upon land was introduced for the first time. Now all this was contrary to the pledge that had been given by two Cabinet Ministers. It was admitted by the right hon. Member for Wells (Mr. Hayter), that a communication had been made to the Irish Members with the sanction of the present Ministers, that if they would assist them in throwing out the Budget of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), no income tax of any kind would be imposed upon Ireland. Everybody must remember the solemn warning that was given by the present President of the Board of Control (Sir C. Wood) to the Irish Members not to listen to Mr. Disraeli's propositions, or the sharp end of the wedge, in the way of taxation in Ireland, would be let in, to be followed by heavier burdens. The noble Lord the Member for the City of London (Lord John Russell) declared that, in the position in which Ireland was placed, reeling from the effects of famine, it was his opinion that she was utterly unable to pay this tax. Nothwithstanding those facts, the Chancellor of the Exchequer, supported by those two Cabinet Ministers to whom he had referred, now called upon the House to double the tax. The Chancellor of the Exchequer had last year stated, that he thought that the removal of the Consolidated Annuity Tax from Ireland was nearly equivalent to the income tax upon that country. Now, those annuities amounted, according to the right hon. Gentleman's calculation, to 245,000*l.*, but it was proved that that amount must be diminished by 175,000*l.*, and the revenue from the income tax on that country approached nearly 500,000*l.* In respect to the consolidated annuities, it appeared from the Report of the Lords' Committee, that a sum of 140,000*l.* a year, for a certain number of years, would pay off this tax entirely. Had but forty-seven Irish Members who voted for the Budget of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), afterwards gone across the House and voted for the Budget of the right hon. Gentleman (Mr. Gladstone), that Budget would, he believed, have fallen to the ground. He had a right, therefore, to question the justice of the course which had been adopted by the right hon. Gentleman. Over and over again had the House been reminded of the arrangement that was entered into between England and Ireland at the time of the Union—that arrangement being that a certain proportion of Imperial taxation should be borne by the people of Ireland; but, owing to the majorities which the English Minister commanded in that House, that proportion had not been maintained, but considerably exceeded; and although Committees upon the subject had been twice asked, yet twice had they been refused. As the proposition of the Chancellor of the Exchequer again raised the question, he (Mr. F. French) thought the right hon. Gentleman was bound to submit it to revision, especially under the peculiar circumstances in which Ireland was now placed, the right hon. Gentleman being engaged in collecting new taxes in that country at the same moment that he was preparing to increase them.

Amendment proposed to be made to the Resolution, by leaving out the words "the said year" to the end of the Resolution.

Question proposed, "That the words proposed to be left out stand part of the Resolution."

Mr. THOMSON HANKEY said, he was not disposed to dissent from the hon. Baronet (Sir H. Willoughby) when he spoke of the inequality with which the income tax was levied, and, if any public body had a right to express their opinions with regard to that inequality, it was the particular body to which he had the honour to belong (the Bank of England, we understood), as being the largest holders of annuities in the country, and taxed to a certain extent on the return of their capital, as well as on the return of their income. As the hon. Gentleman who had moved the Amendment had touched not merely upon the particular topic to which that Amendment referred, but also upon the general financial measures of the Chancellor of the Exchequer, he hoped that the House would permit him to offer a few observations on the same subject. He had learned with considerable surprise the statement made in that House that it was a subject for congratulation that the balances in the Bank of England were so small. He might somewhat over-state the fact when he said that the House of Commons was congratulated; but he believed he was correct in saying that it was stated to the House that the Government considered it a fortunate circumstance that there was so little money at their command in the Bank, and that the reason for this opinion was that the House would be more ready to vote the taxes which were so urgently called for by the present necessities of the country. After the readiness with which the Estimates for the year had been voted by the House, it was certainly most unnecessary to offer such a congratulation, and to lead the House to think that in the opinion of the Government the measure of the Chancellor of the Exchequer, which was the cause of the reduction of the public balances, was a fortunate and advantageous measure on that account. He was ready to contend that the reduction in the public balances was owing to an error in judgment on the part of the right hon. Gentleman the Chancellor of the Exchequer, in anticipating the investment of the surplus money. The public balances in the Bank of England could arise in no other way than from the surplus income of the country, and Acts of Parliament had already defined and prescribed the mode by which that surplus was to be appropriated. The Chancellor of the Exchequer had no power whatever to touch the balances in the Bank, unless in strict accordance with the directions of the Acts of Parliament, and those enactments clearly stated that they must be appropriated to the reduction of the national debt. If the right hon. Gentleman had followed the course which was adopted by his predecessors, he would have waited until the balances had accrued, and at the ordinary period, when they must necessarily be invested in stock, he would have purchased stock in reduction of the public debt. Had the right hon. Gentleman taken that course, instead of having reduced the debt by the purchase of stock at 100*l.*, he would have been enabled to reduce it by the purchase of stock at a price varying from 90 to 95 per cent. With regard to the measure proposed by the Chancellor of the Exchequer last year, the right hon. Gentleman pledged himself to redeem a large proportion of the national debt at par, and the right hon. Gentleman was well aware that he could derive the means of effecting that object from two sources only—either he must use the balances in the Bank of England, which would then be certainly at his command, because it would be in conformity with existing Acts of Parliament, or he must raise money for the purpose by means of additional loans. He (Mr. Hankey) quite concurred in the propriety of the course which the right hon. Gentleman adopted when he determined to pay off the debt by making use of the balances in the Bank rather than by raising additional loans. In March last the right hon. Gentleman reduced the rate of interest on Exchequer bills to 1*d.* per cent per diem, and he (Mr. Hankey) confessed that he thought the measure was an erroneous one at the time. The right hon. Gentleman had certainly been advised by many gentlemen who were competent to form an opinion that the measure subjected him to this hazard —that he would change the investments which were now largely made in Exchequer bills, and create a fresh class of holders, for the existing holders would not continue to hold Exchequer bills which bore so low a rate of interest. But at that moment the right hon. Gentleman was so much alarmed at the large extent of the balance in the Bank, that he thought he could not do better than anticipate the promise to pay off a certain amount of Exchequer bills —at all events, he took a step which he was quite aware would involve the risk of having to pay off a considerable amount of the Exchequer bills which were at that period in the market. He believed the right hon. Gentleman was then of opinion that there was too large an amount of Exchequer bills in the market, and was quite prepared to meet this case by paying off a proportion of them, and by that means enhance the value of the proportion outstanding. But he reduced the rate of interest at that moment injudiciously; because it was at the very period when individuals who were most largely concerned in monetary transactions in the City were beginning to take the alarm. They saw that the rate of interest was rising. They saw that the employment of capital was going on to an undue extent. They saw that there was a tendency to an increase in the value of money, and this at the very period when the Chancellor of the Exchequer announced that he was about to reduce the rate of interest on Exchequer bills. The consequence of that was, that the premium on Exchequer bills, which had been as high as 60*s.* or 70*s.*, fell, and no small degree of uneasiness was created in consequence, in the mind of the Chancellor of the Exchequer. [*Cheers.*] He begged hon. Members who cheered that statement to remember that at times when there was no alarm respecting foreign politics, nor any general rise in prices, nor an undue investment of capital in the City of London—it was no uncommon thing for Exchequer bills, which were a certain security for the repayment of the capital, to bear a high price, whilst stock was constantly varying, and rising and falling in value. That, Exchequer bills should have borne at the time, what hon. Members might deem to be an undue price, was not, therefore, a fair criterion by which to judge of the value of money. The result of that measure, however, was, that Exchequer bills fell to par, and he believed they would have gone far below that, if the Chancellor of the Exchequer had not been obliged to come in himself, and prop up the market by the purchase of Exchequer bills; and he (Mr. Hankey) thought it was evidence of an unwise system of legislation when it was known that the markets were influenced, and solely influenced, by the operations of the Government, which prevented ordinary transactions being effected with any parties in those markets in which the public were accustomed to deal. The result of all the right hon. Gentleman's great conversion schemes was, that he had certainly paid off a considerable amount of national debt; but then he had paid it off mainly out of balances which would otherwise have been appropriated equally to the reduction of the debt, and he had paid it off at a price which had, in fact, entailed a serious loss on the country. There was one point connected with the Bank of England to which he wished to advert, and that was, whether it was expedient for the Chancellor of the Exchequer to be borrowing money on deficiency bills. He had understood the right hon. Gentleman to state that he did not think it was prudent to be constantly and regularly borrowing money of the Bank of England on deficiency bills. But if he (Mr. Hankey) were not mistaken, the right hon. Gentleman, on a previous occasion, had also stated to the House that when he did borrow money in that way, it was the source of no loss or inconvenience to the Bank of England; on the contrary, that it was as advantageous to the Bank to lend money upon deficiency bills as it was convenient to the Government, from time to time, to borrow money in that way. With the greatest possible deference to the judgment and abilities of the right hon. Gentleman, he felt bound to express an entirely different opinion. He ventured to say that it was not a matter of indifference to the Bank of England whether the Chancellor of the Exchequer so arranged his accounts as to be necessarily a borrower of money on deficiency bills. At a time when money was plentiful, and a surplus seeking employment was in the hands of the Bank, it might be an extremely convenient thing for the Bank to employ a certain amount of its deposits in that way; but that was a totally different thing from the necessity of lending money to the Chancellor of the Exchequer at a period when he was obliged to come down and ask the Bank for that accommodation. Nor did he (Mr. Hankey) see that the right hon. Gentleman was justified in expecting the Bank to lend money on that species of security at a lower rate of interest than they could obtain by employing their money in other ways, and on equally good securities. If he did so, then the House would admit that he was, to a certain degree, laying himself under an obligation to the Bank of England. He did not wish to enter a protest against any arrangement that might be made between the Bank and the Chancellor of the Exchequer. The value of the accounts of the Government to the Bank must be known to everybody; and it was the bounden duty of the Bank to be ready at all times, if they could do so with justice to their proprietary, to assist and accommodate one of their best customers. But let it be clearly understood when it was an accommodation. Let it not be said that that which was really an accommodation was a matter of indifference, and that the Chancellor of the Exchequer was perfectly independent of the Bank. He contended that the Chancellor of the Exchequer had, in consequence of the reduction which had taken place in the balances, placed himself under an obligation to go to the Bank of England. The balances at the Bank were now extremely low. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had, on a previous occasion, been corrected by the Chancellor of the Exchequer in the estimate which he had formed of the amount of the balance which there would be in April next; but he was inclined to differ from the Chancellor of the Exchequer, and to think that he would be compelled in April next to come to the Bank of England to borrow money or to raise an additional loan; for he would have payments to make, and would not have sufficient funds at his command, as he would have had if he had pursued the ordinary course of leaving sufficient balances in the Exchequer. The right hon. Gentleman stated that he should require to borrow about 4,500,000*l*. Now, he doubted if that sum would be sufficient to meet the emergencies of the case, but, be that as it might, it would not be fair to ask the Bank of England to lend money at the rate of interest now borne by Exchequer bills—about 3 per cent, he believed—when they could get, on security as good as that of deficiency bills, 5 per cent. He was not prepared to admit that the Chancellor of the Exchequer would be wrong in paying even that increased rate of interest, because, if he did not procure the money from the Bank, he would have to go elsewhere. The right hon. Gentleman had adduced as an instance that these advances on the part of the Bank were not disadvantageous, that large sums of money were lent for very short periods at so low a rate of interest as 1 per cent; but that was not, he thought, putting the case fairly before the House. He hoped that no remark which he had made would lead the House to suppose that there was any unwillingness on the part of the Bank to enter into any financial arrangements; but he had offered these observations because there were at present strong indications of a rise in the value of money, and, that being the case, it was surely not expedient that the Chancellor of the Exchequer should run himself too bare in his banking account at the present moment. He thought that the hon. Baronet had rather grounded his Motion for amending the Resolution respecting the income tax on the presumption that the Chancellor of the Exchequer had quite ample margin enough when he obtained permission from the House to issue an additional amount of 1,700,000*l.* Exchequer bills. He (Mr. Hankey) differed from that view, and did not think that the Chancellor of the Exchequer had overstated his requirements. He greatly feared that the right hon. Gentleman had understated them, and, in his opinion, the right hon. Gentleman would have done well to ask the House for permission to raise 3,000,000*l.* or 4,000,000*l.* by Exchequer bills, if he wanted an additional amount in aid of the coming-in revenue, rather than to limit himself to what appeared to him (Mr. Hankey) a paltry amount, as the extreme limit of the power of borrowing at the present moment. On a former evening the hon. Member for Kendal (Mr. Glyn) asked the Chancellor of the Exchequer whether it would not now be judicious to grant to the Bank of England the power of increasing its paper issues in excess of the 14,000,000*l.* already allowed, considering the deficit of the paper money formerly issued by the country banks. He (Mr. Hankey) gathered from what fell from the Chancellor of the Exchequer in reply that, though the present was not, perhaps, the proper moment to grant such permission, yet the time might not be far distant when such a proposition would be deserving of consideration. Now, he (Mr. Hankey) hoped that the time was very far distant when the Bank of England would be enabled to increase its issues in that way; for such a proceeding would add nothing to the stability of this country, or rather, it would derogate from the stability of the country, and from the character of certainty which now attached to the currency in consequence of the Act of 1844. He remembered reading, not long ago, a statement of the comparative condition of the currency in France and England by an able writer, who, comparing the currency to a pyramid, described the difference between the currency in France and the currency in England to be, that the base of the former was metal, with a superstructure of paper; and, on the other hand, the base of the latter was paper, with a superstructure of metal. The writer attributed to this difference many of the evils which had afflicted this country through fluctuations in trade and depreciations of currency, while in France, during periods of terror and revolution, the currency had maintained a comparatively firm and steady character. He hoped, then, that the Government would not attempt to tamper with the currency, if he might use the expression, or think it possible that any good could be done in the event of any commercial crisis in this country by issuing an additional 500,000*l.* of paper, in lieu of 500,000*l.* of gold. Could such a measure possibly add anything to the stability of our trade or commerce? Surely the hon. Member for Kendal could not complain that there was not a sufficiency of gold in the world; and if there were sufficient capital in this country to buy that gold, he (Mr. Hankey) contended that the more gold there was in our currency, and the less we depended on paper, the greater security the country would have, and commerce and trade would become less liable to fluctuations. He learnt with considerable regret that the hon. Member for Kendal entertained the opinion that the Bank of England could not go on safely under the Act of 1844 in the event of war. He (Mr. Hankey) had no such apprehension. He entertained no fear that the Bank of England, if properly managed, would not be able to maintain itself in any crisis that might occur in this country. But if the Bank of England were so mismanaged as to render necessary a recourse to objectionable expedients, much as he valued that institution, he would rather see it made the sacrifice, than that anything should be done to substitute paper money for the gold basis of our currency. With respect to the proposition respecting the income tax, he had no wish to throw the smallest difficulty in the way of the Chancellor of the Exchequer; and he differed from the hon. Mover of the Amendment, because he thought the Chancellor of the Exchequer wanted at the present moment more than he asked, rather than less.

Mr. W. WILLIAMS said, the Chancellor of the Exchequer was placed in this unfortunate position—he could not serve the public and the Bank of England at one and the same time; and he thought the right hon. Gentleman had acted wisely and in strict conformity with his duty in preferring the interest of the public to the interest of the Bank. With regard to the reduction effected by the right hon. Gentleman in the interest on Exchequer bills, he must assent that that was a measure which was perfectly justified at the time it was adopted by the state of the money market. The hon. Member for Peterborough (Mr. Hankey) himself admitted that Exchequer bills bore a premium of from 60*s.* to 70*s.*, which was equal to from one-and-a-half to two years' interest on those bills at that very time. And who were the holders of Exchequer bills? Notoriously the Bank of England. They were the principal holders at all times, and no doubt it was felt to be most inconvenient to that establishment to have such a reduction made. The hon. Member complained bitterly of the reduction which had taken place in the public deposits. For that Act, too, the Chancellor of the Exchequer had a perfect justification. Unfortunately, however, the right hon. Gentleman and the Government had not been able to foresee the subsequent failure of the harvest and the war now impending, the effect of which had been to completely derange the money market. It should be recollected that, for the last few years, the balances at the Bank of England had exceeded the amount necessary for the payment of the dividends, and that state of things, though no doubt beneficial to the Bank of England, occasioned a waste of the public money. The Chancellor of the Exchequer, then, was right to prefer the interests of the public to the interests of the Bank of England, when placed in circumstances which required him make his election between the two. The hon. Gentleman (Mr. Hankey) held out the threat that if the Chancellor of the Exchequer went to the Bank of England for deficiency bills, he would have to pay a heavy interest. Why the Chancellor of the Exchequer could raise any amount he liked without going to the Bank; and, if he did go there, the Bank, which lent nothing but its paper notes, would be very glad to have him for a customer. He considered the observations of the hon. Gentleman most uncalled for and injudicious, and perfectly at variance with the able speech he made in seconding the Address on the first night of the Session.

Mr. SPOONER wished the hon. Member for Kendal (Mr. Glyn) had been present, as he would no doubt have satisfactorily answered the observations of the hon. Gentleman the Member for Peterborough (Mr. Thomson Hankey) better than he (Mr. Spooner) could pretend to do The hon. Member for Kendal was a member of one of the most respectable firms in the City of London—a firm doing the largest banking business, perhaps, in the City—and he was, therefore, most intimately acquainted with the subject. He (Mr. Spooner) at all events would take his opinion in preference to that of the hon. Member for Peterborough. The hon. Member had stated that there was no reason to fear that the Bank of England would have any cause to apply for an alteration in the Act of 1844. No other practical man, however, was of that opinion. It was evident to every person at all acquainted with the question of the currency that the Government could not carry on the war if the Act of 1844 was to remain in full force. By the operation of that Act the Bank of England was limited to issue its notes on three sorts of investments. First, there were the 11,000,000*l.* representing the debt borrowed by the Government from the Bank; secondly, 3,000,000*l.* of other floating securities, making 14,000,000*l.*, on the security of which the Bank was to issue its notes; and, thirdly, it was empowered to issue on gold deposited; so that actually, as the gold was drawn out of the country, the Bank was bound to limit its issues accordingly. Now it was known, not merely theoretically, but practically, to be impossible to go on under the Act of 1844. What took place in 1847? Then, when every interest in the land was in a state of alarm, and houses of the first respectability failed, a mere hint from the Government that the Bank of England would be indemnified if it did not strictly abide by the law served to restore confidence, and at the same time proved the impossibility of the Act of 1844 maintaining itself against any extraordinary pressure. He inferred from an expression used by Sir Robert Peel in 1844, to the effect that the bullion on which notes were issued was liable to be influenced by the exchanges, that that right hon. Gentleman contemplated the possibility of the notes issued on securities being released from the necessity of being paid in gold. After stating the nature of the credits upon which the issues were made, on the 20th of May, 1844, he said:—"This last is to be liable to the influence of the exchanges." Why did he particularise the last, and not the others? It was known that the bullion in the Bank was liable to the influences of the exchanges, and that the 14,000,000*l*. on which the permanent issue was based was likewise liable to them. He (Mr. Spooner) therefore believed that Sir Robert Peel meant when the proper time should arrive, and the necessity occurred, the restriction should be removed. He (Mr. Spooner) believed the time was now come when, if they were to carry on the war, they must be ready to take such measures as would call out the energies and capital of the nation without cramping them by limiting the circulating medium by the quantity of metal that happened to be in the Bank of England. There were few men in the House who had so vivid a recollection as he (Mr. Spooner) of what had taken place in regard to Bank restriction upon the issues in the course of the last war. He had watched the whole transaction step by step, and few people now understood, how in one year the country was enabled to raise 130,000,000*l*. in the shape of loans and taxes. He would not say the application of that money was right or that it was wrong, or that it was just or unjust to run the country into this expense. The country on the present occasion would be called on to raise large sums, and, what was more to the purpose, large quantities of gold would be drawn out of the country to defray the expenses of the war by neighbouring nations. The evidence of Mr. Rothschild before the Committee of 1818 went to show that England was the focus where all bullion centred, and from whence consequently, all bullion was distributed. This was the case in the former war. The bullion was completely drained from the country; and how was the country enabled to raise 130,000,000*l*. in one year? Why, because the money so raised was first spent in the country—that was the secret of the ease with which the means were contributed. The fact was, when a loan was announced, the great merchants and bankers entered into contracts with the Government to take it; and when the terms on which it was taken became known, then came out an advertisement on the part of the Bank that scrip and omnium—the words, he had no doubt, were scarcely known to many hon. Members—would be taken. This meant that those who took those loans having agreed to pay them up in a year and a half, the moment the 10 per cent deposit was lodged upon the scrip, the Bank of England made all the further advances until the last, when the party then owning the scrip had to take it up from the Bank. But how was that done? It was done in this manner:—The Bank of England made its notes and paid the Government with them. The money so paid was spent in defraying the expenses of the war; so that it was at once made, spent, and paid in the country. The scrip then became capital and thus got into a great many new hands before the last call came, and the country was enabled to meet the loan. He would venture to say, that no one could controvert these facts, although very few had made themselves masters of them, and he was sure that an hon. Friend near him (Mr. Freshfield) would bear him out in what he stated. His (Mr. Spooner's) argument did not go to the extent that this should be done in the present instance; but it did go to the length that, as the existing system was one which cramped every energy of the Government, as well as trammelled every commercial transaction, the Government would find itself check-mated very soon if it depended upon the operation of the Act of 1844, to furnish the resources for carrying on the war. He knew it was the fashion to throw ridicule on what was termed the "Birmingham school," but very few knew what the Birmingham school was. The foundation of the Birmingham school was an entire agreement with the late Mr. Horner, who in the years 1810 and 1811 called upon the House of Commons to declare that there had been a great depreciation of the currency; that it was necessary to stop it; and that if they did not, they could never return to the metallic standard of value. He remembered Mr. Sharpe, who understood the question well, supporting the view taken by Mr. Horner, when that

Gentleman was met by the late Mr. Perceval, the then Chancellor of the Exchequer and First Lord of the Treasury, who, not being able to cope with the argument fairly, endeavoured to destroy its force by turning it into ridicule. The Birmingham school agreed, as he had before said, with Mr. Horner, that there had been a great depreciation of the currency; that there had been great mismanagement of the currency; and that they had created a debt of 400,000,000*l.* in a currency at a depreciation of 15 per cent. Mr. Horner at that time warned the Government of it, and told them to meet it, and to restore the currency to its right position, telling them that if they did not do it then, the time would soon come when it would be impossible for them to do it. But the Government went on in spite of that warning, and soon after brought the depreciation from 15 per cent to 22 and 23 per cent, and the debt was raised from 400,000,000*l.* to 800,000,000*l.*—[*Laughter.*]—He hoped he was not trespassing on the patience of the House. He was about to say that the Government neglected the warning given them, and went on to the year 1819, when they attempted to do that which they never effectually had done, and which had been the cause of all those changes and all those differences between a state of great prosperity and of great adversity, and of all those fluctuations of which they had since had reason to complain. In 1819 they endeavoured to carry into effect a standard of value which they found totally impossible to maintain. No doubt he should be told to look at what had recently taken place, and it would be said, "See the abundance of gold that has come into the country!" But the gold mines had not been discovered in 1819, and no idea was at that time entertained that gold would have been brought into the country in such abundance. The effect of the measure of 1819, therefore, was at the time to double every man's debt, and to halve every man's property. From the year 1819 to the period when gold was discovered, it would be found that all those fluctuations of which the country complained had arisen from gold leaving the country, and the Bank of England being obliged to restrict its circulation, and thus to bring the prices of all articles of manufacture down to a level with prices of the Continent, thereby sacrificing 30 to 40 per cent of the property of the manufacturers and merchants of this country. The gold was then brought back again; and then came sudden and short periods of prosperity, to be succeeded by equally sudden periods of adversity, till they arrived at the crowning point—that of free trade, which was to let into this country all sorts of products, manufactured and otherwise, without paying any of those taxes to which their own produce and manufactures were exposed. If it had not been for the large quantity of gold which had been providentially discovered, the whole free-trade system would have been broken up years ago. Well, in what state were they now? They had had such an enormous importation of gold that some people believed they would soon arrive at a new era, and that the question to be considered would be, whether it would not be necessary to do that in favour of the creditor which they had steadily refused to do in favour of the debtor. They had made the debtor pay in appreciated value, and when an adjustment was asked for in his behalf it was refused; but now that the adjustment was required on behalf of the creditor, they talked about its equity and fairness. But their delusion was now over. The great question, however, was this—in their present condition they would find it impossible to raise a sum of money to carry on this war. He did not say this to discourage them. On the contrary, he only did it to warn them against acceding to the advice of the hon. Member for Peterborough. They had better meet this question at once; for the drain of gold would otherwise continue, and there would be a reduction in the notes of the Bank of England in consequence. So that when they wanted to borrow three or four millions, they would be unable to do so, for the Bank would be compelled to restrict the issue of its notes to the proportion of bullion it possessed. It might be said that he held extraordinary doctrines on that point, but he could not hear the statement which had been made to them by a Bank Director, and let them—deceived by it—go on until they would find it impossible to raise the means of carrying on this war. He knew how dangerous it was for any individual in that House to hazard anything like a plan, for no one could suggest one which would be free from imperfections, and upon these imperfections its opponents would work. He would venture, however, from a sense of duty, to propose to them a plan, for he believed that the country was at that moment in imminent danger. He said, let them do at once that which Sir Robert Peel, as he had before stated, seemed to have in his mind with regard to the notes issued on security. Let that be done at once; let the notes so issued under the Act of 1844 be made legal tender; let it be the basis of the circulating medium. This would prevent the circulation in this country from being influenced by the rate of exchange, or the efflux of gold. He believed that this could be done, for he knew that the Bank of England was properly managed, and that it was capable of carrying out the objects required. If, however, the Government did not make some regulation soon, it would certainly find itself unable to raise money to carry on the war. He would go further than this, however, and say, let the Bank of England purchase as much gold as they could, and give notes in its stead, such notes not payable for a certain time; for they might rest assured that, in time of war, every nation concerned in that war would be calling on them for money and assistance. There would then be some security for retaining bullion when every country in the world was drawing on this country. It may be asked why lock up the gold, and circulate notes? He would answer, because the gold, if put into circulation, would be drawn out of the country; and by the law as it now stands, for every thousand pounds so drawn out the Bank would be obliged to withdraw 1,000*l.* of notes, thus lessening the circulation 2,000*l.* A system of this kind would be found of very great advantage, and it would afford great accommodation to persons engaged in extensive commercial speculations. When, however, there was an alteration of value occurring every few weeks, he defied any man to carry on his business with anything like certainty. This scheme might seem very crude, and might be ridiculed; but he would run that risk, for he was honestly convinced that he was right. The danger was so imminent, that he could not, as a Member of that House, shrink from expressing his opinion on it. He represented a large mixed constituency of agricultural and of mercantile and manufacturing interests, and he should be an unworthy representative indeed, if any fear of ridicule should make him refrain from expressing boldly an opinion which he had formed, not that day, or yesterday, or without a practical knowledge of the business. He gave that opinion from an accurate examination he had made of all the great changes in the currency during the last half century. He felt quite confident that he was right, and he could venture to say that the time was not far distant when due weight would be given to the opinion he then held. With respect to the Motion of the hon. Member for Evesham, he (Mr. Spooner) was inclined to vote for that Motion; but he would not pledge himself to that course until he had heard what the Chancellor of the Exchequer should say on the subject. His ground of support, however, would be different from any that had been mentioned. He would vote for it on the ground that the proposal of the Government was not fair dealing with the country. That proposal was to add 50 per cent to the property tax for a half-year; but no one who was not wilfully blind could fail to see that it was really a doubling of the tax, as the Chancellor of the Exchequer would no doubt come down again in the course of the Session, and ask to obtain it for the next half-year. He (Mr. Spooner) therefore protested against the doubling of the tax while it remained in its present cruel, tyrannical, and unjust form. He objected to it because direct taxation would break down under the Government, and because indirect taxation was inevitable if the war was to be carried on. It was Hume, he believed, who said that if millions were to be raised, the millions must pay them. And he (Mr. Spooner) would never consent to the same rate of income tax being imposed on all classes, thus taxing one man's necessaries, and another man's luxuries. He (Mr. Spooner) objected to the question involved in the Resolution of the Chancellor of the Exchequer, though it was one popular with that House, namely, that the necessary supplies for the war should be raised in the current year. He did not think it would be possible without the aid of a loan; and he did not see why the Chancellor of the Exchequer should not go into the market, where he could make one on reasonable terms, as well as foreign Powers. It was well known that a list was open in the City for the French loan; the Chancellor of the Exchequer would surely be able to effect a loan upon still better terms. This would be better than applying for the expenses of the war in the year, as it would afford capitalists the means of employing their money at home which was now forced abroad. There was, he (Mr. Spooner) was informed, to be another loan for Turkey, that made the matter still worse. He called on the right hon. Gentleman, therefore, not to be gulled by the hon. Member for Peterborough, but to remember 1847, when everything was on the point of shipwreck until the Act of 1844 was practically repealed, an Act which Sir R. Peel himself subsequently admitted had failed in that difficulty. It was the system, and not the administration of the system, that brought this difficulty upon the country; and he therefore called upon the right hon. Gentleman to give it his serious attention. He (the Chancellor of the Exchequer), however much he may now disagree with what no doubt were thought ultra notions on his (Mr. Spooner's) part, will find out ere long that he will be obliged to modify the Act of 1844. The Emperor of Russia was a very clever man, and understands our financial policy, and no doubt his hopes of success are partly grounded upon that system breaking down. He (Mr. Spooner) called, therefore, upon the right hon. Gentleman to act in time, and to prove to the Emperor that his hopes on that ground were fallacious.

MR. HUME said, the opinions which the hon. Member for North Warwickshire (Mr. Spooner) had expressed in the early part of his speech were in accordance with those which he had been known to profess for the last thirty-five years; but the House was not now discussing the question of the currency, or he should have been ready to confute some of the hon. Gentleman's opinions, and prove the fallaciousness of his arguments. The only point on which he agreed with the hon. Member was that the Act of 1844 placed a most mischievous restriction upon the Bank; but that was only one part of the hon. Member's speech. He had paid considerable attention to the subject which the hon. Member for Peterborough (Mr. Hankey) had brought under the notice of the House, and he was bound to say, in justice to the Chancellor of the Exchequer, that, instead of blaming him for having reduced the interest on Exchequer bills, he thought he was perfectly justified in doing so at the period when the reduction took place. It did unfortunately happen, however, that a change occurred in the affairs of the country which altered the value of money and which destroyed the necessity for the reduction; but the Chancellor of the Exchequer was not to blame for that. With regard to the question of balances, he confessed he never could understand why 7,000,000*l.*, 8,000,000*l.*, or even 9,000,000*l.* sterling should be kept lying idle in the Exchequer; he could see no reason why the balances should not be made available for the public service whenever it was practicable. True, when Sir Robert Peel came into office some years ago, on finding that instead of a surplus, he had a deficiency to make up, he dwelt upon the importance of keeping a balance in the Exchequer; and, with the aid of the income tax, the balance was ultimately brought up to 5,500,000*l.*; but the Chancellor of the Exchequer should not be deterred from making use of the balances whenever the state of the market was such as to make it advantageous for the State that he should do so. Unfortunately, in the present instance, shortly after the proposed conversion of the South Sea Stock, a change took place in the market value of the three per cents; but here, again, the Chancellor of the Exchequer could not be blamed for that. If the hon. Gentleman (Mr. Hankey) referred to the evidence given before the Committee of 1848, he would find that nothing but a violation of the Act of 1844 would have saved the country. And what became of an Act which they were obliged to violate? Excepting three Bank Directors, he believed all the witnesses examined before the Committee appointed to inquire into the working of the Act in 1848 were opposed to it, and it was only by accident that the Committee was prevented from reporting against it. At a time when we were taking credit for the removal of restrictions on commerce, it was most inconsistent to limit the medium of all exchange money. As to the Motion before the House, it appeared to be very unimportant. The Chancellor of the Exchequer proposed to raise by the income tax 7*d.* in the pound in the first half of the year, and $3\frac{1}{2}$*d.* in the second; and the object of the hon. Baronet's Motion was to have the sums divided equally between the two half-years. Really, this was a matter scarcely worth discussing. For his part, he had little doubt that when the public business should be further advanced the House would be called upon to double the tax for the second half-year also, and then the uniformity which the hon. Baronet desired would be established. The hon. Baronet (Sir H. Willoughby) seemed to apprehend that, if the measure should be carried into effect in the way proposed by the right hon. Gentleman, it would leave him in possession of too large a balance. Generally speaking, he (Mr. Hume) objected to a Chancellor of the Exchequer having too much money at command, because it was apt to induce extravagance; but he was not indisposed on the eve of war to leave the right hon. Gentleman a considerable margin to work upon. Under the circumstances of the case, he hoped that the hon. Baronet would not feel it necessary to divide the House on the Motion.

Mr. WILKINSON said, he did not see what the Bank Restriction Act of 1844 had to do with the present debate. At any rate he hoped the Chancellor of the Exchequer would not follow the advice that was tendered to him by the hon. Member for North Warwickshire (Mr. Spooner). A good deal had been said about the abortive attempts of the Chancellor of the Exchequer for the conversion of stocks last year. But the real question was whether, at the time those attempts were made, the right hon. Gentleman was justified in expecting a reduction in the interest of money. Now, in his opinion, the circumstances then occurring indicated a rise rather than a fall of interest. They had just embarked in free trade, they had opened their ports to all the world, they were in the receipt of large profits, and on large profits, as everybody knew, the rate of interest mainly depended. But it was expected that the large importation of gold would reduce the rate of interest. In his opinion that importation was calculated to have precisely the contrary effect. When gold came into a country it raised prices: that was all it could do. It could not render capital more abundant, but it excited speculation, it gave a spur to trade, it stimulated capital; and in all these cases it raised the interest of money. He did not say the right hon. Gentleman was not justified in using the balances—the question was, what use he made of them. He had paid off 8,000,000*l.* of the public debt at par, when their price at the present moment was 91. This operation had, therefore, cost the country between 700,000*l.* and 800,000*l.* He agreed, however, with the right hon. Gentleman's plan now—to raise the supplies within the year, and not to have recourse to a loan. With regard to the question before the House, he did not think there was much use in discussing it. If they raised the first half of the tax in the first half-year, the right hon. Gentleman would not come for a second half unless it were wanted. If it were wanted he would come for it, whether the first half had been raised or no.

Mr. CAYLEY said, he differed with the hon. Gentleman who had just sat down in thinking that the Act of 1844 had no relation to the present question. The whole scope of the hon. Member for North Warwickshire's argument, and also the speech of the hon. Member for Montrose, was to show the injurious effects of the Act of 1844 on commerce, and therefore on the sources of taxation, whenever circumstances called it into actual operation. He (Mr. Cayley) was on the Committee of 1848, appointed to inquire into the causes of the disasters of 1847. The hon. Gentleman (Mr. Hankey) also said, that Act had very little to do with the question before the House. He (Mr. Cayley) would show him his mistake. The hon. Gentleman went on very effectively to describe the results of the free Californian and Australian importation of gold, showing that it had opened the apertures and invigorated all departments of commerce. If this were so, then he begged to ask the hon. Gentleman what would be the effect of reversing the operation, namely, of a deportation of gold? Would it not cripple commerce, and tend to induce commercial pressure like that of 1847? What was there peculiar in the year 1847 to produce the panic that occurred? The harvest was not bad in England, but it was in Ireland—there was a drain of gold, which, acting on the rate of discount and the facilities of accommodation, very soon produced general commercial pressure. It was this drain, together with corn merchants' failures, in August, that, operating on the very natural fears of the commercial body under the Bank Act of 1844, induced the panic which ensued in October, 1847. On that panic, as he had said, he was one of the Committee which sat in judgment in 1848, and the result of the inquiry was to establish the fact that the loss to the industry of the country produced by the panic was fully 250,000,000*l.* If, therefore, anything should arise now to produce even half the result of 1847, what would be the effect of increasing taxation? Why, taxation would be increased by Act of Parliament, but the Exchequer might lose more by commercial distress than it would gain by increased taxation. The same circumstances were at work now as in 1847—there was pressure occasioned by the drain of gold. If war went on, gold must be had. The Army, the Navy, the Commissariat, must be paid in gold. If foreign loans were raised, they would no doubt be raised materially, directly or indirectly, in our market, and our gold must go out of the country. And if our gold should go, where would be the means of additional taxation? Every country removed from barbarism must have for commercial dealings a legal tender. Our legal tender was gold, and if gold went out of the country commercial transactions must be first crippled, and finally stopped; and it must be recollected that out of commercial transactions the means for the payment of taxation came. Was this, then, not a question to be discussed at this moment? Or could there, on a question of increasing the resources of the Exchequer, be a more important question than any matter which affected the facilities of commerce, since it was from commerce and its transactions that the Exchequer had to be replenished, including in that category agriculture and trade? The consequence of not dealing at once with the Act of 1844 would be this. In proportion as money became dear, more produce must be sold to realise a certain amount of gold, the medium in which taxation was due, and by that means we came to pay, perhaps, twice as much to the Exchequer as when money had been cheaper. Now the Act of 1844 had the effect of producing constant oscillations in the value of money; because that law insisted on the circulation of the Bank of England being governed rigidly by the state of the foreign exchanges, *i. e.* by the influx and efflux of gold. On this fugitive basis was our commercial prosperity based. Of the whole number of witnesses heard by the Committee in 1848, only four were in favour of the Act. These were Mr. Jones Loyd and Mr. Cotton, Governor of the Bank of England in 1844, and the Governor and Deputy Governor in 1845. All the commercial witnesses were united against that Act. No doubt to make money dear might be very lucrative for the moneyed interest, as was proved by the rise in the value of money in 1847. He had no more doubt than that he stood in that House that the right hon. Gentleman the Chancellor of the Exchequer would have to suspend the operation of the Act of 1844 if the war continued, although Californian and Australian gold might delay that necessity. His only doubt was, whether the right hon. Gentleman would do this in time, before losses took place such as those that were so bitterly deplored in 1848. He was glad to see that the countenance of the right hon. Gentleman on this subject did not wear that smile of ridicule and flippancy which some Chancellors of the Exchequer had occasionally worn, when it had been discussed on some previous occasions, but that he rather assumed that serious air befitting its extreme gravity. He hoped the right hon. Gentleman would take warning, by the opinions expressed that evening, and interpose in time to save the commercial interest from incalculable losses. If the right hon. Gentleman had no heart to pity them, let at least his self-interest prevail in favour of his own Exchequer, for if the war and the Act alike continued, he might find his Exchequer impoverished, rather than enriched, even though he should come down to that House month after month in order to increase the taxation of the country. If the hon. Gentleman (Sir H. Willoughby) pressed his Motion to a division, he should vote against it, because he did not like to stop the Estimates when on the eve of war; for, however shilly-shally our negotiations had been, no doubt we were now on the eve of war; and he trusted, under existing circumstances, the House of Commons, on all sides, would go hand in hand with Her Majesty's Government, and go even before the Government, in insisting on carrying on the war with all the vigour and promptitude in their power. He had hoped some mention would have been made in the debate of the important papers lately laid on the table (the secret negotiations). He would not trespass on the attention of the House at present by referring to them, as he perceived by the Speaker's significant hint, he should be out of order, but he would say, if war was really intended, he trusted it would not be carried on in the vacillating obsequious manner of the negotiations, and as disclosed in those papers, but that the whole of our energies would be concentrated to bring it to a speedy issue. But be the issue speedy or not, he was sure of this, so long as it continued, that, however powerful an enemy we might find in Russia, there would be found no enemy so inimical and deadly to us as the Bank Restriction Act of 1844.

MR. LAING said, the hon. Gentleman who had just sat down had pointed out the injury which the commercial interests of the country sustained from a drain of gold. But the great evil of that drain in former times was, that while it was going on, no steps were taken to check speculation by a rise in the rate of discount, and when that step was at last taken, its action was so violent and often so capricious, that the commercial interests sustained great loss and injury. But the great merit of the Act of 1844 was, that it supplied what might be called a self-acting check, by raising the rate of discount as the gold went out of the country. That was certainly the course which the Bank of England had taken within the last twelve months; and the conduct of the Directors in raising the rate of discount from 2½ to 5 per cent, while the stock of bullion was still considerable, had, in all probability, saved the country from the panic of 1847. He hoped, therefore, that the Government would not tamper with the measure which had been introduced by a statesman of such distinguished ability as the late Sir Robert Peel, and whose wisdom had been confirmed by all the practical experience they had since had. He would not extend this discursive debate by entering on the question of currency, but he would advert to a consideration more immediately affecting the Motion before the House, which was, as it seemed to him, a weighty argument in favour of the Chancellor of the Exchequer's proposal for immediately levying the income tax. It was important that the balance in the Exchequer should be immediately increased beyond its present amount by fresh taxation, not only for political considerations, but also on account of the commercial interests of the country; for, by the present Bank Act, the amount of accommodation at the disposal of the Bank of England was limited, and if that balance ran so low as to oblige the State to resort to the Bank for a larger amount of accommodation than usual, they would, in effect, put the screw upon the commercial interests of the country in a most oppressive manner. This was a question of peculiar importance at the present moment, because the balance had been reduced lower than was desirable in consequence of the abortive measure which had been passed with regard to the conversion of the stocks. He fully admitted that the measure had been abortive, and even productive of injurious consequences; but, at the same time, having fully approved of it when it was proposed, and being desirous of sharing the responsibility which Government had incurred by its introduction, he believed that it was founded upon sound principles, and that, judging from the information before them at the time, there was every probability that it would have been beneficial. He was confirmed in this opinion, that in all probability a large amount of public benefit would have been obtained by the operation of that measure, when he considered the high prices which had been maintained by Consols in the face of the deficient harvests in many parts of Europe and of the present political difficulties; and he was anxious that no blame should attach to the principle of the measure, so as to prevent its being acted upon hereafter under more favourable circumstances. The only chance they would have of reducing the interest of the national debt would be by carrying out the principle of the measure in more favourable times, and getting rid of the long period of notice that was now necessary before they could carry on any operations on a large scale. The effect of the extraordinary discoveries of gold, although it might not be to lower the rate of interest immediately, would be to produce alternate adversity and prosperity—to make money sometimes dear and sometimes cheap; and the period would at last arrive when the rate of interest in this country would be lower than it had hitherto been. With regard to the proposal before the House of levying the funds necessary for the conduct of the war by means of an increase of the income tax, he thought that was the most judicious and popular measure that could be adopted, and that any attempt to raise them by indirect taxation, by repealing what had been done during the last six years, would have had a prejudicial effect in drying up the springs of the prosperity of the country. Although he perfectly agreed with the position that we should, as far as possible, avoid loans and levy the sums which had to be expended year by year, he would modify it by saying that direct taxation ought to be relied on as far as possible; that indirect taxation ought to be resorted to only in extreme necessity; and that even if such a necessity arose, it might be more desirable to raise an additional amount by some scheme of short terminable annuities. He would give his hearty support to the proposal of the Government, and he believed they would have the support of the House and of the country in carrying on a just, honourable, and necessary war.

Mr. MALINS said, the right hon. Gentleman the Chancellor of the Exchequer had recently informed them, on the introduction of his Budget, that he did not intend to lay on any new taxes; but he had closed his statement by asking the House to double the income tax. This scheme he (Mr. Malins) would have no objection to if the war were to be a short one, but if, on the contrary, the war were likely to be a prolonged one, then he held with the opinion expressed in the Amendment of the hon. Baronet (Sir H. Willoughby) that the burden of the income tax should be put into two equal payments. He deprecated any augmentation of the income tax, as there was no impost which caused a larger amount of suffering and inconvenience. He did not speak the sentiments of his own side of the House merely, but of the Whigs on the other side. When Sir Robert Peel brought in his income tax of 7*d.* in the pound for the very limited period of three years, the noble Lord the Member for the City of London (Lord J. Russell) stated that he would oppose the measure in all its stages. How little faith might the country now have in public men when they found the noble Lord and his Colleagues bringing in a measure to double this very income tax which they had formerly so strenuously opposed! Considering the opposition this tax had met with from hon. Gentlemen opposite, it must very much tend to shake the confidence of the public in public men when they found the strongest opponents of the tax now taking every opportunity to increase its amount. When the right hon. Gentleman (Mr. Gladstone) had stated that the tax could not be got rid of before 1860, there was general rejoicing in the House that a prospect existed of getting rid of this obnoxious impost. And just when this prospect occurred, and land was beginning to be seen, how much must it disappoint the public to find that the Budget of the right hon. Gentleman was based on an increase of this—to use the terms of hon. Gentlemen opposite—detestable tax. Considering that the hope of termination had been held out to the country, and considering that this was an obnoxious tax, what a hopeless prospect was it for the people now that the right hon. Gentleman had just given an intimation that the tax was likely to be permanent, and that it was probable he would have to come to the House for an additional 3½*d.* this year. It was a melancholy prospect to see that Whig party, now united with the Peel party, having recourse to an income tax for carrying on the war—they having previously so opposed such a tax. If it had been merely a question of the continuance of the tax for six months, he should not have offered the least objection, but it had been intimated to them that they must look forward to the doubling of that tax, and the country was now called on to pay it, to the extent of between 9,000,000*l.* and 10,000,000*l.* It was of the highest importance, when they were about to embark in a great war, that they should not take a narrow view of the question of taxation, in order to see how the war could be carried on with the smallest suffering to the public. The right hon. Gentleman seemed to think that it would be possible to carry on the war by raising the means by direct taxation every year. He believed that there were limits to direct taxation, and that the right hon. Gentleman would be greatly disappointed if he expected to be able to raise the necessary means by direct taxation alone. It was said by hon. Gentlemen opposite that they would not have recourse to indirect taxation, because that would be to tax industry. Did they suppose that by direct taxation industry was not taxed. He agreed with the hon. Member for North Warwickshire (Mr. Spooner), that one of their most formidable enemies in the war would be the Bank Restriction Act of 1844. If that Act were really understood, he believed that the country would not allow it to remain in force for six months. He was surprised to hear the hon. Member for Wick (Mr. Laing) express the opinions which he had done as to the supply and deficiency of money. The question of the supply of gold was the question that would either unmake or make this country if the present law remained in force. The amount of money was made by that Act to depend, in the first place, on an imaginary amount of 14,000,000*l.* plus the amount of gold in the Bank. According to the *Gazette* of Friday last the amount of gold in the Bank at present was 15,000,000*l.* The Bank, therefore, had the power of issuing notes to the amount of 29,000,000*l.* Every one of those notes was convertible into gold, and yet the Bank had only 15,000,000*l.* of gold in its coffers. By a return he found that in January, 1853, the gold in the Bank amounted to more than 20,527,000*l.* The notes at that period were, therefore, to the amount of 34,500,000*l.* The public had in hand notes to the extent of 22,000,000*l.*, and there was left a reserve unemployed in the Bank of 11,960,000*l.*

By the return of Saturday last the notes issued were 29,000,000*l.* The public had in hand 21,500,000*l.*, leaving 7,500,000*l.* notes unemployed and in reserve. But last year the amount of gold in the Bank had diminished to the extent of 5,000,000*l.*, and it was quite clear that a drain of gold had commenced. The return in last Friday's *Gazette* showed a decrease of more than 500,000*l.* in the amount of the previous week, and of more than 1,500,000*l.* during the last fourteen days. If this had been the decrease in time of peace, what must they not expect in time of war, and what would be their position if there should be another diminution of 5,000,000*l.* in another year? If the amount of gold should go down to 10,000,000*l.*, the Bank would only be able to issue notes to the amount of 24,000,000*l.* The public had in hand about 22,000,000*l.*, and the result would be, as in 1847, the reserve would be reduced to 2,000,000*l.* What would then be their position and what would then be the rate of discount if the war continued? The right hon. Gentleman opposite, or at least those sitting behind him, seemed to think that this was a subject for derision. He had to remind the right hon. Gentleman that in the Committee of 1848 only four of the witnesses supported the Act of 1844. Returning to the state of the gold in the Bank at different periods, he found that in September, 1839, it was as low as 2,816,000*l.*; in 1840, 4,560,000*l.*; and in 1841 that it never exceeded 5,000,000*l.* It was very fortunate for the Act of 1844 that the gold discoveries in California and Australia had taken place; for had it not been for those discoveries the Act, in its operation, would have brought the business of the country to a dead stand. Again, he asked, what would be their position if the gold in the Bank should undergo a further reduction of 5,000,000*l.*? In that case the notes would have to be reduced to 22,000,000*l.*, and there would be no reserve. In October, 1847, the gold in the Bank was reduced to 8,000,000*l.*; the circulation was 22,000,000*l.*, the reserve having been 1,500,000*l.* What was the result? The Act of 1844 came to a dead lock; and the right hon. Gentleman himself, in the debate in October, 1847, having expressed his disappointment that the Act had not checked the crisis, consented to the appointment of the Committee. The hon. Member for London (Mr. Masterman) told them that he had informed the noble Lord (Lord John Russell) on that occasion, that he was unable to see upon what principle 14,000,000*l.* had been fixed upon as the precise amount of the circulation without reference to the quantity of gold. Commercial men now apprehended a drain of gold and a diminution of the reserve, and they foresaw the difficulties which would surround them in such a state of things in obtaining discounts from the Bank. The right hon. Gentleman opposite would himself be their most formidable competitor, and would have to pay the same rate as they would for any accommodation he might receive. He was one of those who had taken an unfavourable view of the financial plans brought forward last year by the right hon. Gentleman. They seemed now to be all but condemned; and even the right hon. Gentleman himself had made use of the remarkable expression that they were an "abortive attempt." He confessed that he was always at a loss to understand on what principle the public could be expected to take the reduced securities when the right hon. Gentleman himself had told them that they were safe in the possession of their three per cent stock. The paying off the smaller stocks to the extent of between 9,000,000*l.* and 10,000,000*l.* had cost the country something like 900,000*l.*; for these securities had been paid off at par, and were now worth in the market not more than 91. The right hon. Gentleman might have been actuated by praiseworthy motives, but his scheme was a mistake. He hoped the right hon. Gentleman would learn from that failure that his financial schemes were not necessarily sound because supported by a majority, and that, unless something were done to relieve the commercial world from the effects of the Act of 1844, it would be impossible for the commerce of the country to be carried on successfully, especially during a period of war. He had no wish to destroy the metallic basis of the circulation, but he would suggest that the restrictions of the Act should be modified, if not taken away. The letter of the 25th of October, 1847, authorised the Bank to go beyond the limits imposed by the Act, and he believed that, in the then paralysed state of trade, if the Act had not been illegally suspended, it would have led to national bankruptcy and the stoppage of the Bank. They might therefore be prepared, if the drain of gold should continue, to adopt a similar course, and give a discretion to the Government and the

Bank to do away with the restrictions of that Act. No sooner was that letter issued than the hoarding ceased, and notes were brought out. On the 23rd November following the Government, finding that the crisis had passed, requested the Governor of the Bank no longer to act on that letter. In two years from that date the amount of gold increased to 16,000,000*l.*; the reserve, from 1,500,000*l.*, increased to 11,000,000*l.*; and all this was attributed to the illegal, unlawful, unwarranted repeal in a time of emergency of the Act of 1844. Were they to be told that in a great commercial country like this, about to engage in a war of which no one could see the end, that their time should be given to a Reform Bill or to an Oaths Bill in preference to a measure which would give some security for commercial credit? Whatever difference of opinion might exist as to the cause of that war, they on that side were determined to assist in the vigorous prosecution of it; but on a subject of so much importance as the commercial credit of the country he hoped right hon. Gentlemen opposite would take warning from past sufferings, and, profiting by experience, would adopt such prudent measures of precaution as would prevent the recurrence of similar sufferings.

Sir FRANCIS BARING said, he thought that those who had watched the financial discussion of that evening must have observed that, from some cause or other, the subject legitimately before them had formed very little part of that discussion. That, however, he thought, was not any exception to the general rule. The House had heard a great deal about the Bank Act and about the transactions of the Chancellor of the Exchequer with regard to Exchequer bills and other proceedings; but that which was the legitimate subject of discussion—the Budget and the proposition of the hon. Member for Evesham (Sir H. Willoughby)—had formed the least part of the debate. With regard to all those points he hoped he should not trouble the House at any great length. With respect to the two first he should be very short in his remarks. If the hon. and learned Gentleman who had just sat down supposed that they on that side were disposed to treat the subject of the Bank Act lightly he was much mistaken. If Gentlemen on the other side were really of opinion that the Act was likely to cripple our resources in case of war—one hon. Member had actually said that he believed the Emperor of Russia relied on that Act in his future proceedings—it would be much better if they were to bring the subject forward separately, so that it might be fairly discussed, and not be allowed to swamp every financial debate that might arise in that House. With regard to the Exchequer bills transactions and the other points alluded to by the hon. Member for Evesham, they were in the predicament that the subject had not been discussed in Committee, and consequently they had never heard the explanation of the Chancellor of the Exchequer of what he had done. Until they heard that explanation it would be impossible for any Gentleman fairly to express an opinion upon it. He was quite sure that the Chancellor of the Exchequer, when he spoke, would state frankly what he had done, and would address himself to those points which were fairly the objects of inquiry and explanation. One observation on that point he must make. They must remember that, after all, the Chancellor of the Exchequer—no matter what might be his majority—could not command the seasons; and if they found that a bad season and an approaching war had placed him in difficulties, they must not scan with too nice an eye the proceedings which he had taken without anticipating those difficulties. In his opinion, the observations which had fallen from his right hon. Friend the Chancellor of the Exchequer, with reference to the question of the public balances, had not been correctly understood. If his right hon. Friend had meant to state that he did not deem it to be his duty to keep any balances in the Exchequer beyond those which he considered as necessary for the purpose of carrying on with efficiency the public service, undoubtedly to a statement of that kind no fair objection could be taken. If, however, the right hon. Gentleman had argued, which he (Sir F. Baring) did not believe to be the case, that it was of advantage to the country to have small balances in the Exchequer, he must candidly say, that in adopting that line of argument he could by no means concur. There could be no doubt that by keeping certain sums of money lying uselessly in the Bank, the interest upon those sums was lost to the public. But that was a narrow view to take of the question, because it was advisable, nay, almost indispensable, that there should be always, if possible, resources at hand in order to meet with advantage difficulties which might at any moment present themselves, and which it was not in the power of any Minister to foresee. It was infinitely more desirable that the country should be prepared to encounter those difficulties by paying away a trifling sum in the shape of interest than that we should find, when danger menaced the State, that our position was rendered more critical than it otherwise would be by the low scale of the public balances. It had been his own fate to administer the finances of his country at a period when the balances in the Exchequer were low; he had found that difficulties had then gathered around him which he could by no means have anticipated, and that he had no reason to congratulate himself upon the position in which the public balances happened to be placed. It was his firm conviction that his right hon. Friend, too, would find his position far more comfortable than it really was if his balances were larger at the present moment. That such was not the case was not, however, to be attributed to any fault of his right hon. Friend in dealing with the finances of the country; and, having said thus much upon a subject which was not under their consideration, he should proceed to advert to the proposition with which the House was, in reality, called upon to deal. The hon. and learned Gentleman who had just sat down seemed to be of opinion that those who had opposed the first imposition of an income tax in 1841 were guilty of a gross inconsistency in voting for the increase of that tax under existing circumstances. Now he (Sir F. Baring) had voted against the tax in 1841, because he believed that it ought to be regarded only as a war tax, and that it was by no means desirable that it should be made a permanent burden upon the country. We were now, however, entering upon a great contest, and the tax which, in 1841, had been designated by his right hon. Friend as the best weapon in the armoury of the Exchequer to meet a great emergency, might, with advantage, be employed. The efficiency of that weapon might, and he believed it had been, impaired, in consequence of its having been used in times of peace. But be that as it might, he held that the right hon. Gentleman the Chancellor of the Exchequer, in making an addition to the income tax in the present crisis of our affairs, had, looking at the financial means within his grasp, made the most advantageous arrangement for the country which it was possible for him to effect under the present circumstances. His right hon. Friend had to provide for the expenditure which was to be incurred during the ensuing six months, and by the aid of an income tax, which might be doubled without increasing the establishment now in existence for the purposes of its collection, a less sum of money would be drawn from the public than if recourse were to be had in the present emergency to a new tax, or to an addition to any of those other taxes which were actually in force. No indirect taxation could be increased or diminished without involving more or less in the change the interests of a considerable body of merchants and traders; while in the case of the income tax there was this advantage—that in dealing with it as the Chancellor of the Exchequer proposed, the trade and commerce of the country would be in no degree disturbed. In fact it was an addition to the taxation of the country which disturbed nothing except the tempers of those who had to pay it. Concurring, as he did, thus far in the wisdom of the course which his right hon. Friend had adopted, he was by no means prepared to advocate the course by which it might be sought to confine taxation to one source of revenue only, in the event—as too probably would be the case—of an increase of the burdens of the country being rendered absolutely necessary. He did not think that those burdens ought to be laid exclusively upon any particular class or person, nor did he believe that his right hon. Friend was prepared to insist upon the expediency of adopting any such policy. Having stated his approval of the proposition of his right hon. Friend the Chancellor of the Exchequer, he should next lay before the House the reasons why he felt himself obliged to dissent from that of his hon. Friend the Member for Evesham (Sir H. Willoughby). Now, it being a matter essential to the due administration of the public service that a certain amount of taxes, should be levied within the next six months, his hon. Friend proposed to delay the payment of those taxes for a period extending beyond that time. The Chancellor of the Exchequer had asked the House to grant a certain amount of Exchequer bills. It was evident, therefore, that he stood in need of money, and yet his hon. Friend had taken a course which, if the House were to sanction its adoption, would obstruct the Chancellor of the Exchequer in obtaining the end which he had in view. He did not see that any advantage could result from the proposal of his hon. Friend, and therefore he felt bound to oppose it; while to the measure of his right hon. Friend near him he considered it to be his duty to give his most cordial support.

SIR FITZROY KELLY said, he concurred in opinion with those hon. Members who had preceded him, that there was something in the present state of the finances of the country which made it natural that they should desire some—he might say much—explanation, from the right hon. Gentleman the Chancellor of the Exchequer; and it was in the hope of receiving that explanation at this early period of the financial year—when, however, they were called upon to take the first step towards meeting the exigencies of the times—that he took that opportunity of entreating the attention of the House to some few not unimportant considerations affecting the financial condition of the country. They were now called upon at once to double the income tax for the approaching half-year. Now, he should not stop to consider the question whether, if the danger which confronts us had been met with that promptitude and energy with which the nation, as one man, had now risen to support the Ministers of the Crown, we might not have altogether averted the evil impending over us. It was undeniable that we were now on the verge of a war—it might be a great, costly, and lasting war—and he could not but think that it behoved us at once to look our difficulties in the face, and to prepare to meet the danger with which we were threatened in such a manner as to bring the struggle to an end with credit and success. He should not, then, advert to the question whether the payment of the additional income tax should be made in one or two instalments, because he would have ample opportunity of discussing that point when the Bill was before the House. But he thought he was fairly entitled to remind the right hon. Gentleman of what passed in the last Session of Parliament with respect to the tax which was now about to be doubled. Her Majesty's present Government then reversed the policy of the Government of Lord Derby, in spite of the opposition and remonstrances of those on that side of the House; and, against the declared wish of numerous classes of the people, they persisted in enacting—and succeeded in doing so by large majorities—the income tax ungraduated, unmitigated, with all its inequalities and oppressive severities. Those who occupied the Opposition benches hoped that at any rate they would on that point have had the assistance of those supporters of the Government who had consistently waged war against every Government which had brought forward an income tax without graduation. However, whether they were induced to waive their opposition by the promise of a Reform Bill, or by the representations of the Ministry that the income tax, if passed in an unaltered form, would be only of temporary duration, it was the fact that the Government had no reason to complain of any opposition on their part, and the whole of the financial propositions of the right hon. Gentleman were passed by large majorities. A year had since elapsed, and what was the position in which we now found ourselves? When we looked back to the 5th of January of last year, the beginning of the first quarter of the year, and of the last quarter of the financial year, and considered what was the state of the public treasury, and how far we were prepared to meet the exigencies of the times, we were startled by the unprecedented fact that the balance in the Exchequer was now lower by 4,300,000*l*. than it was at the corresponding period of 1853; and that it was lower in amount than it had been at the corresponding period of any one of the past six years. This, too, at a time when we needed to avail ourselves of all the resources of the country to meet the exigencies of our position. He certainly thought that the House had a right to expect from the Ministers the most explicit statement—looking to the financial and political history of the last year—of the reasons and the justification of this most alarming deficiency in our resources. It had not arisen from any failure in the expectations which the right hon. Gentleman the Chancellor of the Exchequer had formed with respect to the amount of the revenue for the past year; for, according to the statement which he made to the House a few nights ago, that had more than realised his estimates, and there was now an actual surplus of revenue over expenditure of no less than 2,800,000*l*. How came it, then, that after the financial proposition which the Government made last year had been readily accepted by that House, and after the most sanguine expectations of the right hon. Gentleman as to their result had been more than realised, he was now obliged, when war was on the point of breaking out, to take up no less a sum than 3,700,000*l.* on deficiency bills? In order to answer that question, he must call their attention to some of the financial transactions of the past year. Some twelve months ago, Her Majesty's Ministers conceived the design of paying off a sum of between 9,000,000*l.* and 10,000,000*l.* of South Sea and other stocks. The project was an excellent one; and had it been executed with the most ordinary foresight, and with the necessary precautions, it must, looking to the circumstances of the times, have been eminently successful, and have been productive of great advantage to the country. We were then—or at all events we believed ourselves to be—in a state of profound peace; the funds were at par—indeed he believed that on the very night when the Chancellor of the Exchequer brought forward his proposals, Consols actually stood at 101; and nothing could have been easier than to devise means to carry out the project in such a manner as neither to have injured the holders of stock, nor to have prejudiced in the slightest degree the financial interests of the country. But at this unhappy moment the demon of speculation entered into the minds of Her Majesty's Ministers, and impelled them headlong on a series of measures that resulted in the first place in a dead loss to the country of 720,000*l.*, at a moment when we could least afford it, and when, in fact, we required every shilling we could get to meet the exigencies of the occasion. In the second place, Her Majesty's Government pledged the faith of Parliament to the payment of about 9,500,000*l.* of money in the early part of the present year, without having the foresight to provide one shilling towards the sum requisite for that purpose. The result was that, having been called upon to pay 8,000,000*l.* of money, without having a shilling properly applicable to the purpose, the Exchequer had been reduced to its present impoverished state just at the moment when it ought to have been well filled. Her Majesty's Government proposed, as he had said, to pay off 9,500,000*l.* of three stocks, under the Act creating which it was necessary to give the holders the option of being paid 100*l.* in money for each 100*l.* of stock. Now, there was one mode of effecting this operation, a mode for which the Government had a precedent in the successful measure carried into effect in 1844 by the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn). The time at which Her Majesty's Ministers took these measures was most favourable to such an operation. They might have made some addition to the three and a quarter per cent stock already in existence. If they had done so the utmost cost to the Government would have been two additional half-year's dividends at a quarter per cent; and the holders of the stock would have been more than satisfied for the paying off of their stock. Instead of doing so, however, the Government thought proper to speculate in the creation of new stocks, instead of providing for the paying off of the old ones, either in the way he had described, or by a loan which might then have been obtained on the most favourable terms, without the addition of one shilling to the capital of the national debt. With the assent of Parliament they gave the requisite notices by which they bound themselves to the payment of between 9,000,000*l.* and 10,000,000*l.* of money in the early part of the present year, without providing themselves with money for the purpose; but trusting entirely to the commutation which they held out to the owners of the old stocks, whom they hoped to induce to take one or other of the three new stocks they had created. They did this notwithstanding that some of the most eminent members of the mercantile community in that House urged upon their attention the impossibility of success in the wild and vague scheme which they had taken up. It was unnecessary for him now to say that those warnings and remonstrances proved to be well founded, and that the scheme entirely failed; and the result was, that the notices having been given, the Government was bound to pay between 9,000,000*l.* and 10,000,000*l.*, for which no provision had been made, for they had been of opinion that not only would these three new stocks be accepted to the amount of 9,000,000*l.* or 10,000,000*l.*, but to the extent of 19,000,000*l.* more by the holders of three per cent stock. With that scheme before them, and without preparation for payment, the Government obtained the consent of Parliament to their Bill. But the scheme of the new stocks entirely failed. In a later period of the Session, in consequence of some errors in the Bill, upon which he would not now dwell, it became necessary for the Chancellor of the Exchequer to apply again to Parliament, and thus again to bring under their consideration the measure which had already been so amply discussed in the month of April. The subject was again debated, and the Government were again, on the 28th of July, warned of the fatal consequences of the course they were taking—consequences which the progress of events had rendered still more evident than at an earlier period. Those who then opposed the measure did not then know that war was imminent, for all information on this point was withheld by the Government; but they did know that since the month of April, when the measure was first introduced, the funds had fallen from 101 to 98. At that moment there was a loss of three per cent on the 9,000,000*l.* or 10,000,000*l.* of stock; but the loss was confined to that. Nothing could have been easier than for the Government to have then effected a loan for 9,000,000*l.* or 10,000,000*l.*, or to have created three and a quarter per cent stock to the requisite amount. Had they taken either of these courses there would have been no substantial loss to the Government, or, indeed, to any one except the few unfortunate persons whom they had induced to take some portion of the new stock. But, again, the Government abstained from making any preparation to meet the demands they had contracted to satisfy in the early part of the present year; and, again, reliance was placed on the voluntary commutations into the new stocks of that which they intended to abolish. What was the consequence of that course of proceeding? The state of the case was different from what it was in the previous month of April. The three new stocks had been created; and we had experience where before they had only speculation and conjecture. The true value of these new stocks was known, and was pressed on the attention of Ministers. But the failure of this scheme was imputed by the right hon. Gentleman, not to the spirit of speculation with which the Government had been actuated, but to the various political circumstances which had occasioned a fall in the funds—to anything, in fact, but the real cause. It was the assertion of all the Ministers of the Crown who spoke on this subject, that those three new stocks were of one and the same value, and that 100*l.* stock was then of the value of 100*l.* sterling. But the funds fell from 100 to 98; and if those three stocks were all of the same value, they would then have been of the value of 98; and therefore the same events which had driven down the three and a half per cents to 98, would have driven those three stocks down likewise. While, however, the three stocks were now at 91, the two and a half per cent stock—the only one which had ever been regularly bought and sold in the market—sold the other day at 85; and the three and a half per cents were now worth 78, and the Exchequer bonds were 75. The holders of Exchequer bonds were losers to the extent of 25 per cent, if contrasted with the 100*l.*, the money the holders were entitled to be paid on the surrender of their stocks, and they were losers of 19 per cent, as contrasted with the price of three and a half per cent at the present moment. If Exchequer bonds were really worth 100*l.* when the Chancellor of the Exchequer held they were, and if the two and a half per cents had then been issued, those bonds would have been worth 110*l.*; and if the 100,000,000*l.*, as suggested, had been commuted into two and a half per cent stock, there would have been a loss to the Government of no less than 10,000,000*l.* In April the first Act was passed, and no provision was made for any payment of a portion of this large sum. July arrived, but still no provision was made. It appeared that 6,000,000*l.* had already been paid by Government, and 2,000,000*l.* were to be paid in April next. He now called upon the Government to explain to the House from what source they had derived the 6,000,000*l.*, and whence they were to derive the 2,000,000*l.* to be paid on the 5th of April. The right hon. Gentleman found, when the month of January had arrived, that he must trespass on the balance in the Exchequer, in order to make good his payment, and the balance in the Exchequer was reduced from upwards of 8,000,000*l.* to between 4,000,000*l.* and 5,000,000*l.* The Government borrowed upwards of 4.000,000*l.* to make the payments for which they had made no provision, and borrowed 3,700,000*l.* on deficiency bills. He (Sir F. Kelly) thought it was incumbent on every finance Minister of the Crown to maintain a considerable balance in the Exchequer, so as to be able to meet sudden contingencies, but the Chancellor of the Exchequer had not, he was sorry to say, acted upon this principle. It appeared from the returns which had been laid on the table of the House, that in the month of June, 1848, the amount of balance in the Exchequer was 8,457,691*l.*—that on every 5th of January since that year it had exceeded 8,000,000*l.*; in one year it had exceeded 9,000,000*l.*, and in another 10,000,000*l.* The average balance during the last six years in the Exchequer was 8,796,821*l.*, the balance on the 5th of January last was 4,485,229*l.*, making a difference between the balance in 1848 of 3,972,462*l.*, and between the average balance during six years and that on the 5th of January last of 4,311,592*l.*, and within some five months afterwards the sum of 3,700,000*l.* was borrowed by the Government to meet the deficiency. At the outset of, it might be, a costly and a lasting war, he called on the Chancellor of the Exchequer to say whether he (Sir F. Kelly) was right in supposing that the demand of 6,000,000*l.* had been made out of the Exchequer, and that the Exchequer had thus been impoverished to that extent. If he (Sir F. Kelly) was wrong in that supposition, he should rejoice to be corrected; but if he was right, he hoped Her Majesty's Government would be able to satisfy the House that, after that very large sum had been taken out of the Exchequer, at a moment when we could so ill afford to part with it, our resources were still equal to the emergency of the occasion.

MR. GEACH said, he entirely disagreed with the opinion which had been expressed by the hon. and learned Member for Wallingford (Mr. Malins) as to the operation of the Bill of 1844. He found that, in the year 1848, a Committee was appointed by the House, of which Sir Robert Peel himself was a Member. There was then a general concurrence of opinion expressed by the witnesses examined by the Committee, that there were other and primary causes of the distress which then, unhappily, prevailed. The bad harvests, the deficiency in the potato crop, and the general deficiency of food at that time—the extraordinary amount of capital withdrawn from the usual channels of commerce and applied to railroads—and, in addition to all these matters, a vast increase of trade—these were the causes which, in different degrees, in different parts of the country, produced those difficulties and that effect which had been ascribed to the Bill of 1844. He had had the good fortune of residing for about twenty-five years in the same town as the hon. Member for North Warwickshire (Mr. Spooner), and during that period he had often had the advantage of hearing his opinions upon the subject of the currency. The hon. Member had repeatedly predicted ruin to the country, and seemed always afraid that calamities would result from the currency laws; but he (Mr. Geach) was happy to say that all the hon. Member's predictions had been falsified. With regard to the Bill of 1844, he believed that as much benefit had resulted from the operation of it as from any other measure to which Sir Robert Peel gave the aid of his great talent to carry into effect. The interruption to the working of that Bill in 1847 was, in his opinion, one of those circumstances which showed most strongly that the operation of the Bill had been a benefit to the country, and the House, he thought, would agree with him when they recollected what the state of things was before the passing of the Bill, and he believed that, if no such law had been in existence, the difficulties of 1847 would have been to a much greater extent, and would have gone on until the same distressing occurrences would have taken place as in the year 1825. As to the Amendment proposed by the hon. Gentleman the Member for Evesham (Sir H. Willoughby), he should oppose it, as he cordially concurred with that part of the arrangement of the Chancellor of the Exchequer which at once called for the payment of the extra amount of income tax in the first half of the year. It was, he thought, a wise measure, seeing that it was necessary to increase taxation. There had been in no part of the country a dissatisfaction expressed at the proposition which the Chancellor of the Exchequer had made for his demand upon the pockets of the people.

MR. DISRAELI: Sir, we have two questions before us to-night. One the Report of the Resolution for the increase of the income tax; the other the Amendment of my hon. Friend the Member for Evesham (Sir H. Willoughby), with respect to the operation and the mode of levying the amount which the House is asked to vote on that Resolution. With regard to the first Motion—namely, whether we shall greatly increase the taxation of the country, and that that increase shall be occasioned by an increase of the income tax—that appears to me to be a question which we can hardly decide without entering into the policy which has given occasion to such a request on the part of Her Majesty's Government. But it appears to me that, an occasion like the present, when, if I do not mistake the forms of the House, we cannot very strictly leave the limits of the question which has been started by my hon. Friend, and when, I believe, with the exception of the Chancellor of the Exchequer, and perhaps a solitary Colleague, no Member of the Government is present, is scarcely a convenient period to enter into a discussion on those important events which must have occupied, and must still occupy, the attention of every hon. Gentleman in this House, and which are the cause of this extraordinary demand on their purses and on the purses of their constituents. I must remind the House that, when this project was laid before us, we were informed by Her Majesty's Government that we were virtually on the eve of a war, and that the causes of that contingency were to be explained in certain State papers which Her Majesty had graciously ordered to be placed on the table. It was from the study of these documents that we were to feel convinced that Her Majesty had been well advised to increase her armaments; and, on that honourable understanding, the House at once expressed their determination to support their Sovereign and her Ministers in the demands which they might make. But I must remind the House that within—I cannot say a few days, for it is almost within a few hours—other documents connected with these important transactions have also been placed upon the table; and, to say the least, with respect to the additional, and the most important as well as additional, information to that which we already possessed, as to the reasons which have placed the country in the perilous position in which we now find it, it was not in our power to consider those documents when we listened first to the financial plans of the Minister. These financial plans of the Minister, when they were a fortnight ago proposed for our consideration and acceptance, were founded on a necessity which, so far as the House of Commons was concerned, was only explicable by the papers which were placed on the table on the first day of the Session. But an important supplement to those papers has appeared since that statement—and, in fact, has appeared only within the last forty-eight hours—and no one can have read that important supplement without feeling that its perusal must give rise to new considerations, which could not have been open to us when we first listened to the reasons of the Minister for those extraordinary demands for increased taxation; no hon. Member can have perused that important supplement without being convinced that it has given a very new aspect to the circumstances which we supposed were entirely placed before us at the opening of Parliament, and that a fresh consideration must necessarily be given to this new matter thus unexpectedly brought under our notice. I say this, Sir, because I wish to guard myself, in the course I am taking to-night, from any approval of the proposition brought forward by Her Majesty's Ministers. It is impossible that we can bring ourselves to approve of a proposition for greatly increasing the direct taxation of the country, unless we have a clear case of necessity proved to us. I say we have not a clear case of necessity proved to us at present, when we have two sets of papers before us which convey to our minds different and distinct impressions. Nor can I forget, Sir, that it is not to the liberality or generous confidence of Her Majesty's Government that we are indebted for this additional and more important portion of the information. It is, I will not say to accident, but to circumstances of a very rare, if not of an unprecedented character, that the House of Commons is indebted for being acquainted with the real causes of the war in which we were invited to embark some weeks ago, upon a very different statement from that which will probably ultimately be substantiated, and upon which we were asked greatly to increase the burdens of the country. I am sure that hon. Members on both sides of the House must feel that this is a subject which requires discussion, which it cannot receive upon the present opportunity; they must feel that, before we ultimately sanction the increase of our taxation, we must require from our Ministers a more clear account of the causes which have brought about the present state of affairs, and that Parliament must much more formally, much more decidedly, and I will say even more solemnly, sanction that policy and that increased taxation than it has heretofore done. So far, therefore, as the main project is concerned, I shall treat all these stages of the proceedings as merely preliminary and formal, and I guard myself from in any way or in any degree approving of the proposition which the Chancellor of the Exchequer brought forward. I will not yet admit that there is any necessity for increased taxation, for this simple reason, that I am utterly at a loss to know whether we are going to war or not, and, if we are, for what purpose it is that we are going to war. I do not now want to invite discussion on the subject; all that I wish is, that the Chancellor of the Exchequer or any other Minister shall not say, upon a subsequent occasion, such as the second reading of the Bill on the Income Tax, that I am precluded from objecting to the policy which this proposal wishes to bring into action. I rose to-night because there were one or two points connected with the financial policy of the right hon. Gentleman respecting which, on a former occasion, there had been some discrepancy of opinion and statement between him and myself in this House. Perhaps the House will recollect that upon the evening that he made his financial statement, and after it was made, there was some conversational discussion in the Committee between the right hon. Gentleman and myself upon matters of fact, upon which there was a considerable difference between us. But they were subjects which could not be settled without reference to authentic documents not then at hand. The right hon. Gentleman, upon a subsequent occasion, in a Committee of Supply—upon the Wednesday following, I think—took the opportunity of making a fresh statement upon one of the points of controversy; but, as the right hon. Gentleman rose very shortly before the House, as it was Wednesday morning, was necessarily obliged to adjourn, and as it was impossible for me to reply to the right hon. Gentleman upon that occasion without entirely stopping the course of public business, I expressed to the right hon. Gentleman that I dissented from his statement, but that I would not, of course, at that moment intrude myself upon the Committee. It was then within a few minutes of six o'clock, and it was distinctly understood between us that upon a subsequent occasion I should notice the observations which he then made. Now, when the right hon. Gentleman made his financial statement, upon which I at the time offered no observations, so far as his main proposition of increasing the taxation of the country was concerned, reserving to myself the right of so doing upon a fit opportunity—which unfortunately has not yet happened—I did make some observations upon what I thought was a very important feature of our financial condition. I thought it my duty to call the attention of the Committee of Ways and Means to a subject which attracted much of the public attention, and occupied that evening a great portion of the time of the House—namely, the state of the public balances in the Exchequer. I felt it my duty to remind the Committee upon that occasion, that, when the Government of Lord Derby quitted office at the beginning of January, 1853, they left a balance in the Exchequer of nearly 9,000,000*l.*, and that, at the commencement of the present year of 1854, the balance of nearly 9,000,000*l.* was reduced to the sum of about 4,400,000*l.* I pointed out then to the Committee the great inconvenience and possible injury to the public service of such a state of balances in the public Exchequer. I said, that, so far as I could form an opinion at the time when I was speaking, which must have been somewhat about the beginning of this month, the balances in the Exchequer were not more than 1,500,000*l.*, and that it was possible that, by the end of the financial year which is now impending (the 5th of April) the balances might be increased to 3,000,000*l.*, which I thought, myself, a liberal estimate. I have heard to-night from the high authority of a Gentleman who is a political supporter of the Chancellor of the Exchequer, and who recently filled, and filled with great efficiency, the high post of Governor of the Bank, that in his opinion I rather understated my case. I said then, "If upon the 5th of April you have 3,000,000*l.* balance in the Exchequer, and upon that day or about it you have to pay between 6,000,000*l.* and 7,000,000*l.* interest upon the national debt, have to meet upwards of 2,000,000*l.* more of your South Sea payments, and have also to supply the usual expenditure of the country, it appears to me that you are in a position of extreme difficulty—that even in ordinary times it would be a perilous and imprudent one, but that in times like the present, times of war, and times of financial difficulty consequent upon war, your position is not only wanting in prudence, but may even be perilous." I think that every Gentleman must feel, whatever may be his views, that it is a subject well deserving the attention of the House of Commons. I think that every Gentleman must feel that a great change in the management of our financial policy is a feature which demands attention and requires considerable reflection. Not with any intention to dwell upon the financial schemes of the right hon. Gentleman—which, indeed, upon that occasion I dwelt upon much more lightly and with much less detail than I might have done—but merely to explain the reasons why that great metamorphosis had occurred, why that burdened Treasury had suddenly been placed in the position of being sustained by actual loans from the Bank, as is proved by the returns upon our table, I touched upon the causes of that great change—upon the causes which had converted a balance, in January, 1853, of nearly 9,000,000*l.*, into a balance, in 1854, of 4,400,000*l.* I said that the cause was the dealing—as I thought, the injudicious dealing—of the right hon. Gentleman with the interest of the unfunded and of the funded debt. I said that I could trace to attempts of his, which I thought unauthorised, and which certainly have been unsuccessful, to deal with the funded and unfunded debt, the present state of the balances in our Exchequer; and that, therefore, to those operations ultimately must be attributed the inconvenience and injury which might possibly accrue from that state of affairs. Now, Sir, I said upon that occasion, dealing first of all with the reduction of the duty upon the unfunded debt or Exchequer bills, that the right hon. Gentleman, when, in February, 1853, he resolved to reduce the interest upon the unfunded debt, took a course which was quite unauthorised; that there were many indications at that time which should have told the right hon. Gentleman that he was embarking in a dangerous enterprise; and that I was sure that in resolving to pursue it he was, in fact, acting against the advice of the best authorities upon subjects of this description. I might have gone into much detail to prove that position; but, wishing to avoid it, and not having at hand at that time the information in an official or authentic form, which was necessary to substantiate that statement, which I thought would be unquestioned, I said from memory that the price of the public funds at the time might have been an indication to the right hon. Gentleman that a change was occurring in the value of money. I said that, at the beginning of February—on the 8th I think—when he reduced the interest on Exchequer bills, there had been a continuous—not to say a considerable—fall in the price of the funds in the interval which had occurred from the retirement of Lord Derby from the Government, and from the moment which the right hon. Gentleman had chosen to reduce the interest upon Exchequer bills, which had already been once reduced by his predecessor. I said that even six weeks did not elapse between the time when we left office, and until the right hon. Gentleman advertised the reduction of the interest upon Exchequer bills, before there had been that continuous depreciation in the value of the three per cent Consols, which alone ought to have made a prudent man hesitate before he contemplated a reduction of the interest upon the unfunded debt. But at the same time I begged the House to remark that I did not pledge myself accurately to the details of the numbers, but that the fall might be nearly described by numbers such as these:—That the three per cents, in December, when we left office, were 101⅛, and that the three per cent Consols at the time the right hon. Gentleman reduced the interest on the unfunded debt —namely, on the 8th of February—were about 99¾. That was the statement that I made, and which I dare say is fresh in the memory of hon. Gentlemen who now listen to me. Well, and what was the answer of the Chancellor of the Exchequer? The right hon. Gentleman the Chancellor of the Exchequer seemed quite offended that I had presumed to speak of the state of the balances in the Exchequer. He treated it quite as if I had made a personal attack upon him, but I am not aware that either in my matter or my manner there was anything to give rise to that suspicion. It seemed, however, to the right hon. Gentleman that my noticing the state of the balances was a personal offence to him. What I stated was, there had been a continuous, not to say considerable, fall in the public funds from the time that Lord Derby's Government left office until the time that the right hon. Gentleman reduced the interest on the Exchequer bills, and I said that this fall was a fall of 1½ per cent in the three per cents between December and February. Why, the Chancellor of the Exchequer was not contented with denying that fall in the three per cents [The CHANCELLOR of the EXCHEQUER here made an observation which was inaudible.] I will tell you what the right hon. Gentleman said. He said, "There was a fall of 1½ per cent in Consols, but I can explain it; it is susceptible of easy explanation. Is the right hon. Gentleman (Mr. Disraeli) ignorant that a particular process is going on in the three per cents between December and February—that a person holding 100*l.* stock receives at that period 1*l.* 10*s.* interest, which is exactly the 1½ per cent which describes his continual fall in the funds?" There is not a Gentleman who heard the Chancellor of the Exchequer who must not recollect that statement; there is not a Gentleman who can forget that happy retort of the right hon. Gentleman, that triumphant repartee, or the enthusiastic cheers which the right hon. Gentleman received from the Friends around him. Why, Sir, I should have shrunk into the ground had it not been for the single circumstance that I happened to know that I was exactly right. I have here the authoritative and official statement of the price of the three per cent Consols in December and at the beginning of February. The right hon. Gentleman the Chancellor of the Exchequer, in answer to my statement that there had been a continuous fall in the price of Consols to the amount of 1½ per cent, explained that fall, as I have said, by stating that it was occasioned by the payment of the dividend; and that, of course, as there was a payment of 1½ per cent in January, that would explain the reason why the price in February was 1½ per cent. less than in December—that the price was virtually the same, because the dividend was deducted. Now, what was I to do in order to ascertain whether my statement was correct or not? Why, I must obtain from the highest authority the price of Consols in December, ex dividend, and the price of Consols in February. Every Gentleman will agree that that was the proper way. Well, I have got that. I have got the price of Consols upon the day—the unfortunate day, I believe—on which I resigned the seals of office. I have got the price of Consols ex dividend, on the 27th of December, and the price of Consols on the 8th of February, the day on which the Chancellor of the Exchequer reduced the interest on the unfunded debt. It appears that the price of Consols ex dividend on the 27th of December was 101, and that the price of Consols on the 8th of February, ex dividend, was 99¼, so that the fall in the three per cents Consols, from the day on which Lord Derby resigned office to the day when the right hon. Gentleman announced the reduction of interest on the unfunded debt, was not 1½ per cent, and which fall the right hon. Gentleman explained by the payment of the dividend, but was really 1¾ per cent. But, besides the official returns, I have a return here from a quarter not official, but which in these days is as well informed as any public office in the kingdom, the *Times* newspaper. Here I find in the *Times* of the 27th of December, 1852, in the City article, written on Monday evening:—

> "There was not much business in the English funds to-day, and, although the market opened with firmness, the closing prices show a decline. Consols were first quoted at 101 ex dividend, and they left off at 100¾ to ⅞."

Then on January 3, 1853, I find:—

> "The English funds remain without the slightest variation. Consols for the opening were quoted 100½ to ⅝ ex dividend throughout the day."

In fact, Consols had been sick throughout the whole week, and had been on a continuous decline. On the 7th of January the *Times* City article said:—

> "The English funds opened this morning at the lower prices of yesterday, and experienced a further decline of an eighth"—

upon an announcement to which I am going to allude presently.

> "The first quotation of Consols for money was 100¼ to ⅜, and they closed at 100⅛ to ¼."

And so they went on falling, until we find them, by the official list upon the 5th of February, 1853, as low as 99⅛, a fall of 1¾. Now, let the House recollect, because they will sympathise with me, that this is the only opportunity that I have had for more than a fortnight to notice that extraordinary statement of the Chancellor of the Exchequer—which the right hon. Gentleman said was not a statement—and to show that that fall in the price of Consols between December and February, was not really occasioned by the payment of the dividend. The right hon. Gentleman, in replying to me, was happy and affluent in unnecessary taunts. He said I had remarked that the funds had fallen 1½ per cent after the Government of Lord Derby resigned office, and he wondered why my modesty did not induce me to connect cause and effect, and to tell the House that it was in consequence of the resignation of Lord Derby's Government that the fall in Consols had taken place. Well, Sir, I have some modesty, I hope. I am not prepared to say that it was absolutely in consequence of the retirement of Lord Derby's Government that that fall of 1½ per cent took place. But this I have no hesitation in saying—that if the country had been in the least aware of what the retirement of Lord Derby's Government would lead to—if it had been possible to imagine what has occurred during the last twelve months—and the position in which we are now placed, I have no doubt that a fall of 1½ per cent would have been but a moderate and modest estimate of what the opinion of the public would have been; and the present state of the funds is, I think, rather germane to that point. But when the Chancellor of the Exchequer turns round and uses unseemly and discourteous taunts—and not only uses unseemly and discourteous taunts, but, as I have shown, makes statements which are quite unauthorised—when he attempts to twist a reference to the price of the funds into a perversion for an unworthy object which served his purpose that evening, I beg to ask whether the state of the public funds was the only test that, as a prudent and cautious administrator of our finance, he ought to have observed? I say that it was not the conduct of a wise and prudent man not to condescend to notice a fall of 1½ per cent in the interval before advertising the reduction in the interest on Exchequer bills; but were there no other symptoms that ought to have made him pause, and which would thus have prevented him from coming forward now and saying that he was the victim of circumstances that could not be foreseen? Why, on the 7th of January a significant circumstance took place. On that day, when the Consols were "very sick," this occurred, which was the alleged cause of that sickness—there was an announcement of a rise in the rate of discount by the Bank. The rate of discount had, up to that moment, remained unaltered since the 22nd of April, 1852; but it was raised from 2 per cent to 2½ per cent on the 7th of January. Well, was not that a significant symptom? Was that a sign to be disregarded? Was not that a circumstance to be considered in connection with the price of the public funds? But is that all? The Bank of England raised the rate of discount from 2 to 2½ per cent on the 7th of January, while the Chancellor of the Exchequer was maturing his great schemes for reducing the interest on the unfunded debt. What did the Bank of England do in the course of that same month? In the same month, upon the 23rd of January, the Directors of the Bank of England met again, and again raised the rate of discount from 2½ per cent to 3. Twice in the same month did these gentlemen meet in the Bank parlour, after the rate of discount had been unchanged for nearly twelve months, and on each occasion they resolved to change the rate, by raising it. Were these symptoms that ought to have been disregarded? And in the face of facts like these—in the face of continual depreciation in the funds of 1¾ per cent—in the face of two rises in the rate of discount in the course of a single month—is the Chancellor of the Exchequer to turn round upon me, and to treat it as a matter of impertinence that I even alluded to the fact that there were symptoms in the state of the money market at that time which a wise man would not have disregarded, who was attempting to deal with so vast, so momentous a subject as the interest due to the public creditor? But is even that all? I will not touch upon the subject of Exchequer bills, because I know that that is a subject upon which the right hon. Gentleman, with all his powers of self-control, hardly so much as keeps his temper, which a public man ought to do. Still, I think he ought to recollect that if the premium upon Exchequer bills was in December so enormous as to alarm so warm a supporter of the right hon. Gentleman as the Member for Lambeth (Mr. Williams)—if the premium upon Exchequer bills was 70*s.* in December, it had declined to 55*s.* at the very moment when the right hon. Gentleman was determining to reduce the interest upon them. It does seem to me the strangest thing for a Chancellor of the Exchequer, finding that the premium upon Exchequer bills had fallen from 70*s.* in December to 55*s.* in February, to say that the best thing to be done is to reduce the interest upon those bills; and it really does require one to be initiated into the mysteries of that high finance, of which we hear so much, before we can sufficiently appreciate the adroitness of this step. It is perfectly open to financiers of the school of the hon. Member for Lambeth to say that because Exchequer bills are at 70*s.* premium you must immediately proceed to reduce the interest, and, if possible, to cancel so dangerous an instrument; but, as he has been, I believe, told to-night, and ought to have known long ago, the premium upon Exchequer bills and the interest upon Exchequer bills are no tests of the real rate of interest which money commands, because it is notorious that in moments of exigency, when money is most precious and the rate of interest is high, men will sometimes seek an investment in Exchequer bills, because they are doubtful how the future may turn out, and they know that they can thus command their capital whenever they may require it. I say, Sir, without going into the question whether 70*s.* is a premium too high for Exchequer bills to range at or not, which may be a question for controversy, I do say that a Chancellor of the Exchequer who commences a reduction of the interest on the unfunded debt at a time when there has been a fall of 15*s.* in the premium in the course of six weeks may be a most able—may ultimately become a most successful—but is, in my opinion, a most daring, Chancellor of the Exchequer. Well, Sir, the right hon. Gentleman was indignant, the other night, after his financial statement, because I made this passing observation—that I thought there were symptoms, at the time when he commenced reducing the interest on the unfunded debt, which would have made a cautious man pause. I think I have shown the House that there were such symptoms; and I think I have shown that the statement which I made as to the fall of the three per cent Consols was not that ignorant and unauthorised statement which the Chancellor of the Exchequer wished to have it understood I was endeavouring to palm upon the House, and which his immediate supporters so readily but so rashly proclaimed it. I think if, as I have shown, the rate of interest was raised in the Bank parlour twice in the same month, that was rather an important, a repeated symptom, which ought not to have been disregarded; and if the premium upon Exchequer bills had rapidly fallen, that was another symptom and another sign which ought not to have been overlooked. But, Sir, after all, we come to graver circumstances, and to other causes than these, which ought to have made a prudent man hesitate before embarking in that singular campaign with which the Chancellor of the Exchequer opened his career as a Minister of Finance, and to which I have not yet alluded. What was it that made Consols fall? What was it that made the premium upon Exchequer bills decline? What was it that induced the cautious but alarmed Directors of the Bank to meet twice in one month, after the rate of interest had been fixed and calm for nearly a year, and to raise the rate of discount? That is the question. Why, Sir, it was the gravest of all symptoms. It was the symptom which ought always to occupy the attention of a Minister of Finance, and which should not be neglected by any man in this country at all interested in the industry of its people and the state of its credit. It was the state of the bullion in the Bank—it was the rapid, sudden, and considerable efflux of the precious metals, which produced all these symptoms—superficial symptoms, I admit, but still symptoms which ought not to have been neglected by any one filling the high position of Chancellor of the Exchequer, and acquainted with the real state of things as regarded the bullion in the Bank. Remember, I am speaking of this because it is a subject upon which the right hon. Gentleman challenged my propriety for stating that there were circumstances at the commencement of the year 1853 which ought to have made him pause in the course which he was taking of reducing the interest upon the unfunded debt. Here, then, is a return which shows that on the 3rd of December, 1852, the stock of bullion in the Bank was 22,206,000*l.* Now, bear in mind those numbers when I ask what it was upon the 4th of February, a few days before the Minister of Finance made that startling announcement to the commercial and manufacturing world, that he was going to reduce the interest on the unfunded debt. I will not bring in many figures, but I will repeat these, because the fact is one which ought to be firmly fixed in everybody's recollection. On the 3rd of December, 1852, the stock of bullion in the Bank was 22,206,000*l.*; on the 4th of February, 1853, it had fallen to 19,000,000*l.* There had been in that short but memorable period, an efflux of the precious metals to an extent exceeding 3,000,000*l.* Well, Sir, should that have made a Chancellor of the Exchequer hesitate before he commenced a series of operations which, beginning with reducing, mind you, the interest on the unfunded debt, was to terminate in a reduction of the interest on the whole funded debt of the country? I ask the House of Commons—I ask Gentlemen on both sides of the House—having been taunted, and more than taunted, because I ventured to say that there were symptoms at the time which I thought should have made the Chancellor of the Exchequer hesitate before he reduced the interest on the unfunded debt—I ask the House of Commons now, after the statement I have now made from these authentic documents, whether they think that I was justified in the opinion I then expressed—whether, if I am to blame at all, they do not rather blame me for not having expressed myself in stronger language—whether they think, for that is the real point, the Chancellor of the Exchequer ought to have chosen such a time for tampering with the interest on the unfunded debt of the country—a time when Consols had fallen to the extent of 1¾ per cent—when there was a diminution of the bullion in the Bank to the amount of more than 3,000,000*l.*—when there was a fall of 15*s.* in the premium upon Exchequer bills, and when the rate of discount at the Bank of England had been twice elevated within an interval of less than three weeks? What rhetoric, what sophistry, can overcome the force of facts like these? Sir, having alluded to the policy or the impolicy of the course pursued by the right hon. Gentleman in reducing the interest on the unfunded debt, I adverted—naturally, I think, in discussing the policy of the right hon. Gentleman, but almost incidentally—I adverted to the loss which had been occasioned by this hasty, precipitate, and unfortunate enterprise in which the right hon. Gentleman had embarked. Was there any harm in that? The right hon. Gentleman last year brought forward a great Budget. One of the items in that Budget was the amount to be saved by this reduction of the interest on the unfunded debt. He gave as an estimate of his savings—[The CHANCELLOR of the EXCHEQUER made an observation which was inaudible.] I do not much mind being interrupted; it enables one to take breath, and sometimes to collect one's thoughts; but I think that the right hon. Gentleman, who, though he is sometimes an unfortunate financier, is a most accomplished orator, and never at a loss for a phrase or a repartee, might—though I do not complain—spare his observations for his reply. I was under the impression that the right hon. Gentleman told us that he anticipated a saving from reducing the interest on the unfunded debt of 65,000*l.* That is upon my memory, and I think I recollect it accurately. But I happened, as was the most natural thing in the world, the accounts being upon the table, and the returns having been moved for by myself—I referred to the papers themselves, and I said that the anticipated profit of 65,000*l.* had really become a loss of 36,000*l.*, and that this made a difference of 100,000*l.* upon the general financial statement of 1853. Well, this led to an immense controversy. The right hon. Gentleman said it was no such thing; and with an amenity which the House will remember, he took my own return and threw it over the table to me and said in a very graceful manner, "You cannot correct your own figures; here is a proof that you know nothing at all about it." Well, Sir, I naturally yielded to the Chancellor of the Exchequer when he said I did not know my own figures. I am not now about to weary the House with figures, for I dare say I shall be able to make the matter tolerably clear without it. I take the financial statement, No. 66, which is one of the numerous returns which I have been obliged to trouble the Government for this year. In page 2 of that statement—I have no doubt hon. Gentlemen have the paper, and those who have not will probably take the statement as authentic, particularly as I was not so very inaccurate about the price of Consols—in page 2 of that statement there are columns showing what has been the gain and what has been the loss upon the operations of the Government in Exchequer bills, the loss appearing, of course, under the head of "increase" (of interest), and the gain under the head of "reduction." Under the head of increase there are only two items—one of 67,524*l.* 5*s.* 10*d.*, and another of 14,955*l.* 15*s.*—making together rather less than 82,500*l.*; on the side of reduction there are a great many items, making up in the whole rather more than 85,000*l.*; and then if you took these two columns merely, and looked at the figures in them, you would say there had been a gain of 3,000*l.* That was the answer of the right hon. Gentleman. But I asked the right hon. Gentleman to look at the column of profits and to tell me the date of the first item—which I believe is the most important item—which was an item of more than 35,000*l.* That item was found to be dated the 10th of June, 1853, and, as it happened to represent the profit occasioned by a reduction of the rate of interest which I had the responsibility of making, I thought I might claim the credit of it. The right hon. Gentleman said at first that I had not the smallest right to do so. He, however, did not insist upon that, and in the end, I believe, he did not object to my taking credit for that 35,000*l.* There are six other items entered as profit on the reduction of interest, but which are really imaginary estimates of the saving effected by the paying off of Exchequer bills which were at the time cancelled under circumstances to which I shall presently advert, and not reissued, and as of course no interest was paid the right hon. Gentleman said he had a right to place that as profit. But how were these Exchequer bills paid off? They were paid off out of the balances in the Exchequer, and these balances in the Exchequer were afterwards obliged to be replaced by deficiency bills, on which the right hon. Gentleman paid interest; he cannot take credit, therefore, for the saving of interest on Exchequer bills, unless he tells us how much interest he has paid on deficiency bills—and as it was probably not less than the interest on Exchequer bills, I put one against the other. Therefore, leaving out these estimated savings and the item of 35,000*l.* to which I have already referred, instead of a gain of 65,000*l.*, there is, in fact, a loss of something more than 36,000*l.* I do not mean to say that when we are doubling the income tax these are very considerable items; but in matters of finance it is just as well to be exact. No doubt, with a Minister of Finance of splendid ability, it may be a matter of no consequence whether you have a balance in the Exchequer or not. With his exuberant resources, he will always be able to meet whatever emergency may arise; but if his genius can find out no other resource than to double a tax which is already felt to be most onerous, there is a gloomy and a grinding future for this country. But, Sir, I have been contradicted on another point. The right hon. Gentleman having contradicted me upon the point, I am obliged to trouble the House with an appeal to a book to which I very seldom apply except in my own library. I am unwilling to weary the House with quotations; it is the right hon. Gentleman, who, notwithstanding his lively temperament, occasionally takes refuge in this book to convict his opponents upon points of no importance, who now forces me to refer to *Hansard.* The right hon. Gentleman said that he made no estimate of gain upon Exchequer bills; he said that I was unauthorised to make a statement to that effect. But in the corrected report of the right hon. Gentleman's celebrated speech, he says:—

> "I am not at present in a condition to lay the estimate on the table, or to state exactly what the amount will be; but I venture to anticipate that, at any rate for the first year, we may be able to effect a saving on it of not less than 75,000*l.* There will also be a saving on the charge for Exchequer bills, owing to the diminution of interest, amounting to about 65,000*l.*"

Mr. Disraeli

Now, that is exactly the sum I mentioned. I do not say this subject is vast. It is not so important as the first subject which I treated of—whether it was wise and prudent in the right hon. Gentleman to commence a great experiment upon the credit of the country, under the circumstances which existed in the year 1853. But, Sir, though it is not so important, the House will recollect that these are circumstances, that these are statements, the accuracy of which has been challenged. The House will recollect that the right hon. Gentleman has absolutely placed the savings in the reduction of interest upon the unfunded debt effected by the Government, of which I was a Member, to his own credit, and that because I reminded him that he was not entitled to do so he treated me with scarcely Parliamentary courtesy. It is, therefore, necessary that I should put the case clearly before the House. On the Wednesday following his recent financial statement, when the right hon. Gentleman came down to the House, after the conversation in Committee of Ways and Means, he said there had been some misapprehension or confusion upon the subject, and that it was important the matter should be set right. Although I listened to his statement, I could not reply to it; but the right hon. Gentleman, with a courtesy one does not always experience, and at which, therefore, one is the more surprised, gave me, not a return upon the table, but gave me personally in the House, a statement which he said would render the matter completely clear. I will read to the House the right hon. Gentleman's own statement, and a very significant statement it is, not at all from the trifling sum which might be saved or lost by an operation which might be judicious or injudicious upon the interest of the unfunded debt, but because it really touches a larger and a more important point, at which I am now arriving. The right hon. Gentleman's statement is a very simple one, which anybody who runs may read, and it will completely explain the mysterious documents supplied by the Treasury by which hon. Gentlemen might be misled. Here is a return which, though I might have moved for it, I value because it is the manuscript of the right hon. Gentleman, and he says it settles the whole business. This return involves a most important matter, which every hon. Gentleman, whatever may be his politics, ought well to consider. It is a return of the Exchequer bills paid off in March and June of the years 1853 and 1854. Now, those of 1852 were paid off in 1853, those of 1853 in 1854. Here is the principal and interest of the Exchequer bills issued in March and June, 1852, and paid off in 1853, and for which I am responsible. The amount of them is 17,742,000*l.*; the interest paid upon them was 367,000*l.* Then come the bills issued in March and June, 1853, and paid off in 1854. The interest on them was but 347,000*l.*; and the right hon. Gentleman the Chancellor of the Exchequer says directly, There is your answer; there is a saving of 20,000*l.* He says, "I don't go into returns moved for by a political opponent, and therefore drawn up to suit his convenience. I take a large and comprehensive view. I will have the transactions of the whole two years placed before the House, and here they are. The Exchequer bills in your year must be compared with those of mine; the amount of interest must be compared. The Exchequer bills in your year of office cost 367,000*l.*; in the last year they cost 347,000*l.* There is a saving of 20,000*l.*, and that is your answer." But now let us come to an analysis. There is not the slightest doubt that the interest of Exchequer bills in the one year and in the other was not the same. I invite the attention of the hon. Member for Lambeth (Mr. Williams) to this subject. I know it is one that daily and nightly engages his attention, and that no one rejoices more in details, and especially in details of Exchequer bills, than the hon. Member. Sir, it is perfectly true that there exists a difference. It is perfectly true that the interest of Exchequer bills in 1852–3 was 367,000*l.*, and that the interest last year was 347,000*l.* There was certainly 20,000*l.* less interest paid last year than in the preceding year; but what was the amount of Exchequer bills issued last year? The amount of Exchequer bills issued in the year 1852–3 was 17,700,000*l.*; in 1853–4 it was 16,000,000*l.* It is very true that you paid 20,000*l.* more for your interest upon the 17,700,000*l.* than you did upon your 16,000,000*l.*, but what interest were you paying all the time upon the 1,700,000*l.* of Exchequer bills which are not accounted for in the second year? How comes it that in the second year the Exchequer bills have sunk down to 16,000,000*l.*—that between the two years there is a difference of 1,700,000*l.* in the amount? I will tell you. Two-thirds of that 1,700,000*l.* were paid off from the Consolidated Fund, and the amount so paid was supplied by deficiency bills paying interest, and between 400,000*l.* and 500,000*l.* was paid off in Exchequer bonds. Do you think Exchequer bonds are not paying interest? Why, then, is a return just laid upon the table of the House of Lords, which contains, among other things, a statement of the amount of interest paid upon Exchequer bonds—a subject which, I believe, is peculiarly interesting to Lord Monteagle. The interest paid upon Exchequer bonds, if I may trust my memory, is between 11,000*l.* and 12,000*l.* per annum. You must, then, deduct from the amount saved the interest of the Exchequer bonds, and the amount paid upon the remaining portion of the 1,700,000*l.* supplied by deficiency bills, and what will become of the saving of 20,000*l.* in the comparison of the two years? I should like to know whether the Chancellor of the Exchequer would not get off well if the loss upon his Exchequer bills were as low as I have placed it at, namely, 36,000*l.*? When I called the attention of the House to the state of the balances in the Exchequer, I adverted to the two causes which, I believed, had brought about a condition of affairs so dangerous to this country. One of them is the dealing with the interest of the unfunded debt by the Chancellor of the Exchequer; the other is his dealing with the interest of the funded debt. I now wish very briefly to touch upon the second of these points. I refer to this subject because the statements I have made and the views I have expressed have been controverted as far as fact is concerned, and utterly rejected as far as opinion is concerned. We must remember that there was a cause for these menacing circumstances, which, in my opinion, ought to have induced the Chancellor of the Exchequer not to reduce the interest upon the unfunded debt. It was not a secret—at least, it is not a secret now, for it is avowed. A year or a year and a half ago a man might have been supposed to be professing some heterodox and unpopular opinion if he had said that over-trading was the cause; but it is perfectly well known now—it is recognised and admitted by every person of authority on such subjects—it has been admitted and stated to-night by a Gentleman who was recently the Governor of the Bank of England, that there was extensive over-trading, that over-trading occasioned the efflux of bullion, and that the efflux of bullion affected the rate of discount, the price of Consols, and the premium upon Exchequer bills. Now, the Chancellor of the Exchequer disregarded the possible circumstance of over-trading. That cause was defied.

The Chancellor of the Exchequer probably did not believe that it existed. Confident in the resources of the country, and in the success of the commercial changes with which he was intimately connected, he defied or disbelieved the existence of this over-trading, which occasioned the disagreeable circumstances that commenced the year 1853. Well, had anything happened besides this suspicion or certainty of over-trading, to have made the Chancellor of the Exchequer more prudent when, at a later period, he commenced his much greater speculation—namely, that of dealing with the interest of the funded debt? Over-trading, the effects of over-speculation—of what may be called a surplus investment—had made themselves unmistakeably felt at the commencement of the year 1853. As the year advanced there was another circumstance which made men grave. We heard early in the spring that there was the prospect of a bad harvest. ["Hear!"] Is there any hon. Gentleman in this House who did not hear that? The seed-time had been most unpropitious; the consequences were unusually fatal. In addition, then, to the over-speculation which had already fatally developed itself in its effect upon the efflux of bullion; you had the prospect of a bad harvest. Was that a circumstance that should make a man grave? Was that a contingency that should make a Minister of Finance provident? I grant much to a distinguished free trader. I have often heard the Member for Montrose (Mr. Hume), express his anxiety that he might live long enough to see the day when England should not grow a grain of wheat, and I know there are many others who share his opinion, but I think the Chancellor of the Exchequer would scarcely go so far as that. If, besides a great efflux of bullion occasioned by adverse exchanges, the Chancellor of the Exchequer were told there was a prospect of a bad harvest, the probability is that he would say, "Well, so far as Exchequer bills are concerned, I am in for it, but we know the worst. We have a large balance in the Exchequer, which is a great blessing to a Minister of Finance. But we have more than that—we have the means of raising the interest upon Exchequer bills, and I do not suppose this will be any great stumbling-block to a Minister." The Chancellor of the Exchequer, however, having over-speculation and possible famine in the vista, boldly went to work, and in the spring produced a great measure. I have been long enough in this House to hear of "large and comprehensive measures" very often; and I remember the right hon. Baronet the First Lord of the Admiralty saying that he always suspected large and comprehensive measures. I have lived to see him a Member of an Administration distinguished above all Administrations for its "large and comprehensive measures"—I have lived to see him a Member of an Administration whose Minister of Finance proposed ostentatiously, amid the enthusiasm of the House of Commons and the acclamations of the nation, greatly to reduce the interest of the whole national debt. That was to be the ultimate consequence—the final result—of the elaborate, the ingenious, but the somewhat unintelligible project that was introduced to us on the 18th of April. The Minister of Finance had such confidence in himself and in his resources—a confidence which, despite his mischances, I confess personally I admire—that he determined, notwithstanding the efflux of bullion, notwithstanding the fall in the prices of public securities, notwithstanding the menace, or more than menace, of a bad harvest, which might have aggravated in its consequences all the symptoms which had previously warned him—he determined to embark in this enormous, this portentous affair. Was there nothing else to warn the Chancellor of the Exchequer besides the state of the Exchanges, besides the proceedings of the Bank Directors, and besides the visages of the farmers of England, at the moment when he was about to embark in an undertaking of such immensity and of such possible danger? Why, Sir, I cannot fancy that the Chancellor of the Exchequer, who is unrivalled for attention to the affairs of his office—a public man who does his duty to his country, and who devotes himself with extreme ardour and assiduity to the labours of his department—I cannot fancy that the Chancellor of the Exchequer at that time omitted to perform any one of those duties the omission of which might be unpardonable. As a Minister of the Crown, and as a Member of the Cabinet, it was his duty to become acquainted with every despatch upon foreign affairs which arrives in this country. I make every excuse for the Chancellor of the Exchequer in dealing with affairs which do not exactly come under his department. I make every admission in his favour, and treat him with a fairness with which he has never treated me. I have, myself, rather a weakness for foreign politics. I love to read a despatch, and when I was in office I often read despatches which did not concern my own department. But I can quite exonerate the Chancellor of the Exchequer from the tedious and unprofitable task of reading or of "pottering" over the blue books which were placed on our table at the commencement of the Session by the gracious command of Her Majesty, and which one of her chief Ministers treated with what I, in my inexperience, thought unpardonable derision, but which I now find was most deserved mockery. I can easily conceive that the Chancellor of the Exchequer, with his great ideas and his great position, full of genius and energy, and determined to pay off the national debt, was quite resolved not to waste his anxious hours in reading those two volumes which have recently been placed on our table in order to delude public opinion. Therefore, making that liberal allowance for the Chancellor of the Exchequer, I say that the Chancellor of the Exchequer was fully justified in not "pottering" over these blue books. But were there no other documents the perusal of which might have become most salutary to the Chancellor of the Exchequer which arrived at that time? I want to know from any Gentlemen here, who may be future Chancellors of the Exchequer, what would have been their feelings if they had read the despatches from the Ambassador of the Queen at St. Petersburg, marked "secret and confidential," and suggesting a partition of the Turkish empire? It would have told them this at once—that if, upon reflection, this Government did not agree with it, the ingenious proposer was resolved to have his way in one mode or the other, and that most certainly he would have recourse to force. I want to know whether the right hon. Gentleman opposite read those despatches. To believe, however, that the right hon. Gentleman did not read those despatches is to believe that he is unworthy of the confidence of his Royal Mistress. The right hon. Gentleman must have read them, for even the state of bullion at the Bank would not prevent him from devoting some moments of the day to a perusal of these startling measures. To believe that he was ignorant of the contents of these State papers is to believe the right hon. Gentleman utterly unworthy of his position; but, to believe that, having read them, with the certainty that there had been over-trading, with more than the imminence of a bad harvest, and with grim-visaged war before him in the vista of coming years, he could come forward with the projects of last year to deal with the interest of the unfunded debt of the country, is the most marvellous conception that ever yet occurred to the adventurous spirit of a Minister of Finance. Why, Sir, I say the right hon. Gentleman owes a grievous responsibility to the House upon this subject. We must have explanations upon it from the right hon. Gentleman, for it is not now in the position in which it was last year. The right hon. Gentleman cannot come forward now with the reasons and excuses of last year. Let him come forward and tell us why he defied over-speculation, which the Directors of the Bank had recognised, and let him come forward and tell us why he neglected the imminence of a bad harvest. He may come forward and give us his version of these circumstances, but he cannot come forward and tell us that the possible, or even the probable contingency of war was not an element that had occurred to him. I ask the House of Commons, then, deciding upon the character which the right hon. Gentleman arrogates to himself, which he will not allow me to make an idle comment upon even in a conversation and even in Committee—I ask the House and the country whether a Minister of Finance, with such evidences of over-speculation in the country as were proved by the circumstances of January to which I have referred—whether with the evidence which as Minister of Finance he ought to have possessed as to the probable state of the harvest, and, above all, whether in possession of that dark secret which has now been made clear and open to us all, was he justified in the course he took? Was he a prudent or a provident man? I want to know whether you think that he was a judicious man, and that it was a prudent course for the right hon. Gentleman to take when in the possession of that knowledge which no one but himself and his Colleagues could possess—which no critic in the House of Commons could even have suspected? I want to know if, in the possession of the facts I have referred to, it is your opinion that the right hon. Gentleman ought to have brought forward those vast schemes which have involved us, in their partial and mitigated failure, in great perplexities and embarrassment, but which scheme, as Lord Monteagle said in another place — fortunately, was not successful—for had it succeeded, it would have placed the affairs of this country in such a state as the imagination of no man can picture, and have involved us in such responsibilities and engagements as would have thrown us back ten years of progress? That is a state of affairs which the House can now judge of with some advantage. Now, Sir, what was the scheme of the Chancellor of the Exchequer? I am not going to say a single word on the great scheme of the right hon. Gentleman. The great scheme of the right hon. Gentleman has been touched upon often, and I make only one remark upon it—that I think that if there had not been over-speculation, if there had not been famine, and if there had not been war, that larger scheme of conversion of the right hon. Gentleman must have failed. There was a radical defect in it which secured its failure, and which my hon. and learned Friend the Member for Suffolk (Sir F. Kelly) has placed clearly before the House to-night and upon previous occasions. It is not doubted, I believe, by any person that that scheme must have failed irrespective of all circumstances which might affect any common financial scheme. If you had had an influx of bullion and a most abundant harvest—if you had had, instead of the war in which you are now engaged, that perpetual peace which the Members for the West Riding and for Manchester prophesied, I say that great scheme of conversion must have failed, because it was founded upon fallacious calculations. There was, however, a portion of that scheme of a much more rigid, absolute, and common-place character, which did depend on circumstances which affect credit. It was an engagement to pay off, speaking generally, a portion of the public debt to the amount of 10,000,000*l.* That was an undertaking which depended upon the weather, upon the harvest, upon the state of trade, upon the state of the bullion, upon the temper of Emperors and the resources of foreign nations. Now, Sir, what was the engagement which the right hon. Gentleman undertook under these circumstances? The right hon. Gentleman undertook—with perfect evidence before him that there was every cause in the distance which most disturbs the money market—he undertook to pay off at par 10,000,000*l.* of the national debt, having no resources whatever for that purpose. I want to know how has that ended? We have had an estimate to-night of the loss. . The hon. and learned Member for Suffolk (Sir F. Kelly) has told us the loss is 720,000*l.* It is, perhaps, impossible accurately to tell what has been the loss on this forced attempt to convert 10,000,000*l.* of South Sea Stock, because the transaction is not yet finished. There is a certain degree of interest saved, of which the right hon. Gentleman will no doubt inform us—there is the interest on Exchequer bills, which you have instead of fixed balances. Put one against the other, and it is not at all impossible the loss at this moment is 700,000*l.* or 800,000*l.* I do myself believe that it cannot be much less than that. But I will not dwell on the amount of loss. What I think is of greater consequence, of vital consequence, of pressing importance, which cannot be too much urged on the attention of the House, because night after night it will recur, and, unless you meet it boldly, depend upon it you will be landed in financial disaster, is the effect of thus tampering with the interest of the funded and unfunded debt in the present state of your balances in the Exchequer. Now, Sir, I have adverted before to the state of these balances as far as they are concerned, and therefore I need not touch upon them now. The right hon. Gentleman delivered the other night some extraordinary opinions on the subject. I entirely differ from the right hon. Gentleman. The right hon. Gentleman the Member for Portsmouth (Sir F. Baring) has made a protest in favour of balances in the Exchequer to-night; we have heard, also, the opinion of a Gentleman who has been Governor of the Bank to the same effect; and I must say, in passing, that I was quite surprised that a Gentleman like the hon. Member for Lambeth should get up in his place, after the speech of the hon. Member for Peterborough (Mr. Thomson Hankey), and say he takes a Bank view of the questions. The old-fashioned Bank view of these questions was very well twenty years ago, before the Bank Charter Act was passed, and at that distant date when the Member for Lambeth commenced his financial studies, and formed his financial mind; but I can tell him this: that nowadays all that the Directors of the Bank of England want is, not to make a profit out of the Minister, but to have a Minister who will leave them alone. That is all that they require. Instead of taking a Bank view of questions, instead of viewing questions as to the interest of the Bank, instead of desiring to make a profit out of the Government, since the last charter, all the Directors wish is, that they should have a Minister who would leave them alone to carry on their business according to those commercial principles which the late Sir Robert Peel declared are the only principles which ought to govern the Bank. Well, I say we have had protests by the right hon. Member for Portsmouth; we have had indignant expressions of feeling from the Member for Peterborough on the subject of balances in the public treasury, and I cannot conceive that it is necessary to impress it more strongly on any one—unless indeed it be a Finance Minister without balances—and then I know that a man, as well as a fox who has lost his tail, has the privilege of the fable. But, I take it, the affairs of a nation are the same as the affairs of a private individual; and I will ask any Gentleman in this House, suppose he were about to embark in an expensive lawsuit, would or would he not prefer to have a balance at his banker's? We are about to embark in a very expensive struggle, and I want to know whether you think it for our advantage or not to have a balance at our banker's? Sir, we have heard a great deal in speeches of late about new, and philosophical, and enlightened principles of finance—that, being engaged in war, we are to raise the whole of the supplies for the expenses of the year by taxation within the year; and, Sir, that, no doubt, is a very fine sentiment, and if war does not last more than six months, I dare say we shall be able to maintain it. But, Sir, I am not so clear, when we come to practice, that we shall find it more than a sentiment. I am not, however, going to touch upon that question. If the right hon. Gentleman retains the conviction that, with his own resources and the resources of the country, such a result can be obtained, let it be so. What I want to impress upon the House and upon the country is a much more serious affair. It may be a very just—nay, I allow that it is just—it is possible it may be a practical thing—that you can raise in this country in the year all the supplies that are necessary to carry on the war. Well, Sir, it is a grand principle that this generation should bear the cost of its own achievements and not throw the burden of them on posterity. All that I can understand. But what is the state and the practice of our modern finances under the management of the right hon. Gentleman? The right hon. Gentleman is not only going to carry on the war—is not only going to defray the expenses of the year with the taxes of the year—he is not only going to guard posterity from the burden, but he is absolutely at the same time pursuing a system that is to defray the burden that was left to us by our predecessors. No two courses can be more contrary to each other than these two which the right hon. Gentleman lays down as the foundation of his system of finance, that we must scrupulously refrain from burdening posterity, and that at the same time we must be called on to make sacrifices to defray the debts which have been left to us by our predecessors. Why, Sir, no country can stand it; no country can at the same time reduce its old encumbrances and also bear the expense of a war entirely from its own resources. To me it is very doubtful—perhaps it is not a party opinion—in fact, it must be very doubtful to 24 Gentlemen out of every 25 in this House, whether, in a continued struggle, we can raise in one year the supplies necessary for the expenses of that year. That, I say, is very doubtful. It may be possible that the amount of patriotism may be so great, the resources of the country so exuberant, that you can sustain the expenses of a protracted war out of the taxation of the year. I do not believe it, but certainly it is possible; but there is no man who can seriously tell us that you can carry on a war and raise supplies for its expense at the same time that you are paying off 10,000,000*l.* of old debt. Yet that is the position which the Chancellor of the Exchequer has placed us in. The right hon. Gentleman is working two systems exactly contrary to each other. He is coming forward animated by what is a sound principle for this country—that we should, if we embark in a war, not entail the cost of that war upon posterity. But at the same time, while he is asking us to make these unheard-of sacrifices—while he is appealing to us to accomplish this unprecedented act of patriotism, of virtue, of philanthropy—he is absolutely calling upon us to diminish the debt which our predecessors have left us. Turn it and twist it as you like, it is the most monstrous, the most impossible system of finance that ever was proposed. It has been an immense effort for Ministers to reduce the debt at all. Experience shows that whenever there has been a surplus, there have been a thousand applicants for it. It has been ever the popular opinion that you should diminish taxation and not debt. You have been obliged to pass a special law, which, whenever you reduce taxation, ensures a certain reduction of the debt every year. But now the Chancellor of the Exchequer comes forward and says:—"I will combine with my new system of finance the features of both systems. I will absolutely not burden posterity, but I will also defray the charges which our predecessors have left us." Now, in what can this system end? It will end in one of the largest loans that a Minister of Finance ever proposed in this House. The right hon. Gentleman taunted me the other night with wanting him to propose a loan. If the right hon. Gentleman had raised a loan in January, he could have raised it with much greater advantage than he would be able to raise it now. If he attempts to raise it now, he will raise it at a greater advantage than he will be able to do in July. He may put the question off for six months more—and I do not think he can postpone it longer—and he will then raise it at a still greater disadvantage. It is evident that the right hon. Gentleman has been, in a time of peace and prosperity, or of fancied peace and prosperity, tampering with the resources of the country; he must incur the cost of his conduct, and he must put himself in a sound position. You may rely upon it that, as certainly as I am now speaking here, he will be forced to raise a loan. There is no taxation—and he has tried it pretty strongly—that can extricate him from the position in which he has placed himself. Well, is it a wise thing that a financier should so manage, when he is left with a balance of 9,000,000*l.* in the Exchequer, that he should at the first moment of exigency be forced to raise a loan? The right hon. Gentleman said, the other night, that I held him responsible for raising the rate of interest which was occasioned by an acknowledged war and by a prospective bad harvest. That I deny. I do not blame the right hon. Gentleman for raising the rate of Exchequer bills. That was inevitable. But, I certainly do say, that he ought to have foreseen the circumstances which would have prevented him from lowering the rate. The right hon. Gentleman urges one point which is a great fallacy. It may be found in the *Book of Fallacies*, by Bentham; and as the Members of the Government are disciples of Bentham and of Grote, they will be able to correct me if I am in error. The right hon. Gentleman says that it is very possible that he has made a mistake, but that I did the same, and, that, therefore, he is not to be blamed for it—he vindicates himself by accusing the person who charges him with an erroneous opinion. The right hon. Gentleman says, "It is all very well your charging me with making a mistake; but in December you yourself, occupying a responsible position, gave it as your opinion that the rate of interest which had not been raised at the Bank, would, on the whole, be maintained." The right hon. Gentleman thinks that is his vindication. Now, considering that the right hon. Gentleman is not a friend or follower of mine, I cannot see how any opinion of mine can be a vindication of his conduct. But a greater fallacy than any fallacy mentioned by Bentham is the right hon. Gentleman's mistaking the difference between conduct and opinion. It is very true that in December I gave it as my opinion that there were causes which had occasioned, and which would, upon the whole, maintain, a low rate of interest. Speaking generally—as you necessarily must do on such a subject—I cannot say that I see any great ground for changing that opinion. That opinion, although I am responsible for it in the House, and although I did not give it until after long thought, represented not merely my own view, but that of men who are second to none in this country for experience in monetary affairs. But it was an opinion, just the same as the opinion expressed by the right hon. Gentleman in April last to the Birmingham clerk, about low prices. The right hon. Gentleman then entertained the opinion that low prices were permanent. I am more charitable to the right hon. Gentleman than he is to me. I believe there is some ground for saying that, generally speaking, low prices will be maintained. But, whether the right hon. Gentleman was right in his view as to low prices, or I in my view of a low rate of interest, these were two opinions—they were mere opinions, right or wrong; and a public man who has to give an opinion every night for six months will perhaps often be in error. But I do not charge the right hon. Gentleman with having formed an erroneous opinion. What I say of the right hon. Gentleman is this—that his conduct has been injudicious—that, having the best information at his command—

having before him all the circumstances which could have influenced the conduct of a prudent man—I care not what opinion he formed—he went and conducted himself improvidently, and in a manner detrimental to the public interests. I do not care for his opinion. I have no doubt that many of his opinions are worthy of attention, coming as they do from a man of his abilities; but, after all, opinion is opinion, and conduct is a fact, and his conduct is what I blame, because it was conduct in defiance of experience, and conduct, therefore, which ought not to be approved of by the House of Commons.

Sir, I have ventured to make these observations in vindication of the statement which I previously offered to the House, and which has been challenged and controverted. I know there is a retort to which I am open. I have heard it already during the Session, and, for aught I know, the right hon. Gentleman may jump up and use it again. He may, perhaps, get up and say, "Well, if that is your opinion, why do you not come forward boldly and propose a vote of want of confidence in Her Majesty's Ministers?" ["Hear, hear!"] The hon. Member who cries "hear" is well practised in cheering, and his voice is no doubt gratefully listened to. I remember that the noble Lord opposite called the attention of the House the other night to the retort made by the right hon. Baronet the Member for Morpeth (Sir George Grey), in answer to the remarks of my right hon. Friend near me, the Member for Droitwich (Sir J. Pakington). The noble Lord called attention to that retort as a proof of remarkable acuteness and profundity of thought on the part of the right hon. Gentleman. I always listen to anything which falls from the right hon. Member for Morpeth with attention; but I confess I did not find that his retort contained that profundity of thought or originality of expression wich justified the solemn tones of the noble Lord, because I believe the same retort has already been made six times during the present Session, and probably not less than six hundred times in this and other Parliaments. But, Sir, there are good reasons why we should offer our free criticisms on the conduct of the Ministry, or a branch of the Ministry, without being answered as we were by the noble Lord and the right hon. Baronet the First Lord of the Admiralty (Sir J. Graham). They said, "Why do you not come forward and propose a vote of no confidence?" There is very good reason why we do not. There is no necessity for proposing a vote of no confidence in the present Administration. It is a useless ceremony. It is quite unnecessary, in my mind, to waste the time of the House of Commons, and to have protracted debates on this question. Here is the leader of the House, here is the experienced Minister the First Lord of the Admiralty, here are their valuable and valiant allies, at present unattached, but who still have all the authority of ex-Ministers—here are all these men, who have repeatedly and systematically during this Session endeavoured to stop all debate and discussion by saying, "If you don't agree with our policy and criticise our conduct, we call upon you to propose a vote of no confidence." Now, I say this is preposterous, unconstitutional, and inconsistent with the simultaneous declarations of the same Ministers, that it is of the greatest importance at the present moment to show foreign nations there is unanimity in Parliament. But I do not rest the case on that plea; I say it is unnecessary for me to propose in this House any vote of want of confidence in the present Government, for this simple reason, that it is apparent, notorious, and proved to all that they have no confidence in each other. Let us look a little to the conduct of these Ministers. I shall treat them with fairness. I won't have recourse to little tests, but I will try them by great tests. I try them, not upon petty points brought forward for the purposes of a party struggle, but upon the broad grounds which, as Dr. Johnson said, a jury of people picked out from the passers-by at Charing Cross would adopt as tests whether the present Government have confidence in themselves. I will take the greatest subject first. I will take this question of peace or war. What confidence—what possible confidence—can we have in this Cabinet, who have involved us in the extraordinary position in which the country now finds itself? Is there a man among them who can tell us what we are going to war about? Is there a man among them who can tell us what, at this moment, is the object of their counsels? I will not quote a single person except themselves. Why, Sir, there is the noble Lord the Secretary of State for the Home Department, not now present—he has delivered his opinion upon this great subject of Turkish politics. He told us some few months ago, at the end of last Session (and really it is almost the only speech we have had with any frankness or spirit upon the subject) — he told us why we were going to war, and what we were going to war for. He said, "We are going to war because we believe the independence and integrity of Turkey are assailed, and because we believe the interests of England are involved in maintaining the independence and integrity of Turkey. We mean by independence and integrity," said the noble Lord, "we mean facts. It is our opinion that there is as much vitality in Turkey as there is in other countries that are our allies, competitors, or rivals." The noble Lord said more than that. He said, "Not only do I believe Turkey independent, but I believe it absolutely progressive. Give it a fair trial, and its maintenance is easy; and that maintenance is most important for the interests of England, the cause of freedom, and the civilisation of the world." He went on to speak of the high impulses which should induce us to support at this moment the independence and integrity of Turkey. And loud cheers followed the speech of the noble Lord. Well, Sir, what happened a short time after that? There was a right hon. Gentleman whose conduct I have had occasion to criticise this evening, and whom I little thought when I first rose I should have to notice with regard to another subject—he went about the country, and paid a visit to a great commercial community, the city of Manchester, at a time when there was great depression in the country owing to the state of the affairs of Turkey, and when men of resolute minds began to think that that was occurring which might prove fatal to the supremacy of this country, and be most prejudicial to the cause of justice, of truth, and of freedom. What did the right hon. Gentleman say on that occasion? Did he agree with the Secretary of State? Not at all. He said, "Things look very bad, but what can you expect? You must prepare yourselves for the worst. The independence and integrity of Turkey, which people talk about, are not facts—they are phantasies and phantoms. You must not confound the independence and integrity of Turkey with the independence and integrity of other European States." In fact, the right hon. Gentleman quibbled away completely the independence and integrity of Turkey, and, in short, seemed to be paving the way for that scheme of partition we have recently heard of. This was the course of proceeding adopted by the Minister of Finance who is now going to double the income tax in order to support the independence and integrity of Turkey. I am challenged to propose a vote of no confidence in the Government. Why, Sir, the noble Secretary of State in the other House of Parliament told us the other night what we were going to fight for, and I was grateful to a Member of Her Majesty's Government for being frank. He said, "We are going to fight for the rights of the Christian subjects of the Porte. That is our cause. We are resolved, and we shall stipulate, that there shall be equality of rights and privileges between the Christian subjects and all other subjects of the Porte." I believe loud cheers followed that speech also. What happened the next day? The noble Lord the Secretary of State in this House (Lord Palmerston), who is supposed to have some knowledge of our foreign policy, said in the most distinct way, and in tones that he knew would re-echo through all Europe, that he did not imagine for a moment that any man would entertain the idea of our obtaining equal privileges for the Christian subjects of the Sultan—that to insist upon such a thing would be acting as badly as the Emperor of Russia himself—and that if we obtained an equality of privileges between the different subjects of the Sultan, we should put an end to the Turkish empire. And yet, Sir, while those Gentlemen have no confidence in their mutual opinions, I am to be taunted and told it is my duty to propose that the House of Commons shall so stultify itself that we are absolutely to vote that we have no confidence in them! But is that all? The noble Lord the leader of this House likewise described the war in which we are going to embark. He described the war as a holy war, as a just war, a war for justice, for truth, and for public freedom—and in a manner which I admired, in a most solemn and fitting manner, invoked the name of the Most High upon that war. What happened the next night in another place? Why, Sir, the leader of the other House of Parliament told us, that he thought that war was not yet inevitable, and that in his opinion that war was accursed. Sir, if the war in which we are about to engage be a war of justice and truth, and if it be undertaken in support of the liberties of Europe —if it be a war undertaken to check the progress of a colossal despotism, and to advance the march of civilisation, it is not an accursed war. But if the war be not undertaken for these objects, then the noble Lord was not justified in counselling his Sovereign to embark in it. Such is your position upon the Turkish question—upon a question which we are told confidentially alone keeps you together as a Ministry. There are similar differences among these Gentlemen upon other subjects; but we are told when a nation is at war, its Government should not be disturbed! I would like to know how the war is to be carried on with efficiency and success by men who have not settled what the object of the war is. The war has been brought about by two opposite opinions in the Cabinet. Those conflicting opinions have led to all the vacillation, all the perplexity, all the fitfulness, all the timidity, and all the occasional violence, to which this question has given rise; and I must say, that if the noble Lord the leader of this House—I speak my solemn conviction—had remained Prime Minister of this country, or if the noble Lord the Secretary of State for the Home Department, who is not here, had been Minister of this country—or if Lord Derby had continued Minister of this country—nay, if Lord Aberdeen—I wish to state the case fairly—had been Minister of this country, with a sympathising Cabinet, there would have been no war. It is a coalition war. Rival opinions, contrary politics, and discordant systems have produced that vacillation and perplexity, that at last you are going to war with an opponent who does not want to fight, and whom you are unwilling to encounter. What a mess for a great country! And all brought about by such distinguished administrative ability! What, Sir, is a question about the interest on Exchequer bills compared to that? The financial *faux pas* and little *escapades* of the Chancellor of the Exchequer would soon have been forgotten, and even forgiven; for, after all, what is the failure of his conversion scheme compared to this duplication of the income tax, and to this terrible prospect of war, brought about by the combination of geniuses opposite me—and brought about absolutely by the amount of their talents and the discordancy of their opinions? And then they say, if we criticise their policy, we are bound immediately to come forward, and propose a vote of no confidence in them. I tell them again I will not propose a vote of no confidence in men who prove to me every hour that they have no confidence in each other.

Sir, I have tried them upon the Eastern question because it is the greatest of all questions—the question of peace or war; but there are others almost equally great, upon which they may be tested. Why do not you proceed with your Reform Bill? The question of Parliamentary reform seems at the first sight the only question which you could put in the same category with the questions of foreign policy. Peace or war—the disposition and distribution of political power—these are the great and august matters with which it becomes statesmen to deal. These are the policies upon the recommendation of which men gain the confidence of nations. It is the sympathy of the nation with the statesmen who have opinions upon those subjects which entitles them to hold their position. When you have enunciated a policy to a great community—when you have told them that you are about to prosecute a war with vigour in the vindication of important principles—when you can tell them that it is to secure peace at home by arrangements which will last—then the nation will rally round such a Minister. When a statesman declares that he has deeply considered the signs of the times, and has studied with the patient analysis which becomes a profound and disciplined mind the condition of the community—when he declares that the existing disposition of power is injurious to the permanent interests of the country, and that he is of opinion that a change should take place, and that classes who are not now enfranchised shall be called into a participation of political power—the man who says these things has a right to rally round him great crowds of his fellow men. But he must not say such things idly—he must not trifle with the public conviction and the public feeling upon such subjects. But when we know that this Cabinet is an incoherent council upon these subjects—when we know that upon such questions as peace or war, and the disposition and distribution of political power, there are not two men among them who have the same opinion, that there are not two men among them who have confidence in each other, I receive the cold taunt and frigid counsel that it becomes me, as the humble leader of a too indulgent party to propose a vote of no confidence in Her Majesty's Ministers, with the indifference which it deserves. Sir, there are few tests so great as those I have mentioned—there are few so important—and yet there are some subjects that may be fairly classed with them—no man will say that the education of a nation is not a subject which may rank with the highest class of those that occupy the attention of a Minister. Well, Sir, our present statesmen founded their Ministry upon a pledge to bring forward a scheme of national education. Is there any mutual confidence among them upon the subject of national education? Why, Sir, I will take an illustration from only a small portion of that great theme—that which refers to the Universities. What happened the other night? We had the reform of the University of Oxford brought forward by the leader of this House. He turned round to his faithful and consistent supporters, the Dissenters of England. Their eyes were fixed upon him—their mouths were open. They hung upon his accents. Reform followed reform—change coursed after change—and at the end he turned round and said, "The most important and the most necessary of all reforms is, that you, the Dissenters of England, should share the advantages of them. I am faithful to you. My feelings towards you are the same as they were twenty years ago—but then my Colleague the Member for the University will not listen to your claims." Well, then, Sir, I ask, if that is the case, can there be any mutual confidence among the different Members of the Cabinet upon the subject of education? There may be fifty topics upon which we can prove a difference of opinion among Her Majesty's Ministers, but they are, in comparison with the great question of peace or war, the disposition and distribution of political power, and the education of the nation, so small and petty that I cannot condescend to touch them. There is only one other subject equal to those great themes—nay, I may say it is even more important than any of them. That is the Protestant cause. It is a subject which surely greatly interests the people of this country; it is a theme which has excited enthusiasm. What happened a short time ago? The noble Lord the leader of this House took an early opportunity after the formation of the Government of Lord Aberdeen to express his opinions in the House of Commons upon the present temper of the Papacy. The noble Lord is not a man who can be suspected of being a bigot; the noble Lord is not a man who can be accused of a narrow mind, or of being wanting in enlightened views; the noble Lord described what he considered the hostile and pernicious spirit of the Papacy at the present day; and he said of the Roman Catholic Church in this country, devoted to a foreign prince, that he believed that its progress was not favourable to the public liberty of this country. Well, what happened? Why, the noble Lord had hardly breathed these words when it was discovered that they had given offence to three Gentlemen who certainly cannot be described as the most eminent of his followers. What happened the next day? The present Prime Minister of England not only calls upon the noble Lord to explain his expressions, but writes a letter to the world to say—what?—that the opinions of the noble Lord on what I call the Protestant cause are not shared by many of his Colleagues. Yet you taunt me, night after night, because I do not propose a vote of want of confidence in you as a Government, when I show you that upon all these important topics, upon the question of peace or war, upon the question of the disposition and distribution of political power, upon national education, upon the Protestant cause, you are entirely at variance, and have no confidence whatever in each other. No, Sir, I shall not feel it my duty to make any such proposition. I ought to remember that we have a Motion before us on which we must decide. Everything which I have said has been strictly applicable to that Motion. Sir, I have shown you that the condition of your finances is such that I do not understand how the Chancellor of the Exchequer can possibly meet his engagements at the end of the financial year; and yet my hon. Friend the Member for Evesham (Sir H. Willoughby) asks me to increase his embarrassments. I think the proposition of my hon. Friend, viewed by itself, is a sound proposition. I think it an unprecedented thing to make a single levy of a tax at the beginning of the year; but as I look forward with great anxiety to the state of the right hon. Gentleman's finances, I must express great unwillingness to take any step, however slightly, to aggravate it. I trust my hon. Friend will hesitate before he asks the opinion of the House on the subject of his Amendment. ["Hear, hear!"] Do the hon. Gentlemen opposite wish me, then, to propose a vote of no confidence in the state of the finances of the Chancellor of the Exchequer. Well, then, I will, upon fair conditions, such as I am sure every Gentleman will approve of, accept the challenge; and I pledge myself to propose in this House a vote of want of confidence in her Majesty's present Advisers, the moment they give the country satisfactory proof that they have any confidence in themselves.

The CHANCELLOR of the EXCHEQUER: Mr. Speaker, if there be now present any Gentlemen who, like myself, have sat in this House to hear this debate, since half-past five o'clock, I think they will admit that, at least, it has served one useful purpose, for it has illustrated more signally than any discussion that I can remember that truly English principle—freedom of debate. Sir, it being my duty on the part of the Government to notice the topics touched on by hon. Gentlemen in the course of the evening, I had thought of endeavouring to do so, but really it has occurred to me whether I should not shorten my labour if, instead of trying to enumerate the topics which have been detailed to-night, I should take the negative side of the question, and refer to those comparatively few questions which have not been matter of discussion. Why, Sir, we have had—and I will only mention a few of the principal questions which have been brought under the notice of the House in the course of the present debate. The right hon. Gentleman (Mr. Disraeli) says that the hour is still inconveniently early. I am afraid it would not do for me to act upon that assumption, but I have a certain duty to discharge—we have had a discussion to-night on the savings banks and the management of the great fund connected with them, on the constitution of the National Debt Commission, on the balances in the Exchequer, the interest on and policy with respect to Exchequer bills, on the relations of the Government with the Bank, on the proper rules to be adopted with respect to deficiency bills, on the plan for the conversion of the national debt, on the Bank Act of 1844, on the mode of establishing a currency free from the influence of foreign exchanges, on the comparative merits of direct and indirect taxation, on the foreign policy of the Government, and on the education of the country. And there is yet, Sir, one other subject which has been touched on rather slightly, I confess, but still I find here and there, there has been a faint allusion just perceptible to the Amendment of the hon. Baronet the Member for Evesham. The right hon. Gentleman who has just sat down has closed his speech with an allusion to that Amendment, and does not seem to like to challenge a vote of the House upon the financial propositions of the Government more than upon any others of their acts. But the right hon. Gentleman has, in the exercise of his undoubted right, thought fit to discuss at large the conduct of the Government; and here I may refer to the language of the right hon. Gentleman, when he charged me with having treated him with unseemly and discourteous taunts. Sir, I do not think that that was a just charge on the part of the right hon. Gentleman. In replying to the right hon. Gentleman on a former night, I did, as I shall to-night take the liberty of doing, use the legitimate freedom of debate; and I do not think that the right hon. Gentleman is the man, of all others, who has been sparing in his appeal to that freedom and that right, whether in reference to things or persons. But, Sir, if the right hon. Gentleman had cause to find fault with me for unseemly and discourteous taunts, arising out of the heat of debate or infirmity of temper, why did not the right hon. Gentleman do what any other man would have done, namely, rise in his place in this House and complain—if he did not think it right, Sir, to appeal to you—why did he not complain of it on the spot, why did he retain this grievance and this grudge in his bosom for a fortnight, to make use of it now forsooth in one of his thousand declamatory periods? Sir, I tell the right hon. Gentleman that if I have been guilty of such taunts I deeply regret it—I regret it with reference to him or to any other man, and I am sorry he did not give me an earlier opportunity of saying so, when I could tell whether or not there was any foundation for the charge. Having said thus much, I pass to graver matters.

Now, Sir, the right hon. Gentleman says that he guards himself against being supposed to approve of the financial propositions of the Government. Sir, there is not much occasion for the right hon. Gentleman to guard himself on that subject. I am not aware of any financial proposition—I might say of any proposition—but at any rate I am not aware of any financial proposition, great or small, that has been made by the present Government, which has had the good fortune to meet the approbation of the right hon. Gentleman; and with, I think, one exception, I am scarcely aware of any attempt to impose a tax upon the country which the right hon. Gentleman has not resisted, or of any attempt to remove a tax, and diminish the resources of the Exchequer, which the right hon. Gentleman has not supported. The right hon. Gentleman sometimes speaks of a new policy. Sir, until the time of the right hon. Gentleman, the subject of finance, during my recollection, has been dealt with in a manner somewhat distinct from that of general politics, because it has been felt that there is a tenderness in the subject of the public debt, and an importance in maintaining the resources of the Exchequer. The consequence of that conviction has been, until within the last twelve months, a general union, as a general rule, in maintaining the ways and means which are necessary to carry on the public service of the country. The right hon. Gentleman has thought fit to reverse that rule. The right hon. Gentleman will not support the Amendment of the hon. Baronet to-night, who, I know, has made his Motion entirely independently; but he still says that he reserves to himself the liberty of objecting to the financial propositions of the Government; and upon what does he found himself? He founds himself upon this most extraordinary reason, that he does not consider there is any necessity proved for an increase of taxation, for he says he does not know whether we are going to war, or for what we are going to war. Why, Sir, the right hon. Gentleman's ignorance for what we are going to war has nothing whatever to do with the necessity for an increase of taxation. He knows this; he knows that he has himself been a party to votes which have raised the estimated expenditure of the country 3,000,000*l.* above the estimated revenue; and having himself been a party to these votes, he yet says that he cannot undertake to admit that there is any necessity for increased taxation.

Well, Sir, the right hon. Gentleman is not contented with that more limited field of discussion upon which he entered in the earlier part of his speech, and in which I am bound to say he expatiated with a skill and a force that are rarely equalled in debate. The right hon. Gentleman, under the influence I think of some malignant spirit—I mean malignant as respects himself—must forsooth enter upon that most ill-omened discussion of the question of want of confidence in Her Majesty's Government. The right hon. Gentleman, who was not challenged at all in the matter, must go into a discussion of why he would not propose a vote of want of confidence in Her Majesty's Government. It is quite true, that the right hon. Gentleman is entitled without doubt to use his own discretion on that or any other subject. If he thinks it right not to move a vote of want of confidence in the Government, I have also a right to believe that he has good reasons from refraining from doing so; but whether he has good reasons or not—whether he chooses to move any such vote or not—I am perfectly at a loss to conceive what could have put it into his head to give such reasons as he has done to-night for abstaining from proposing a vote of want of confidence. Why, Sir, what reason could there be better than those he assigns, which should make him move such a vote? He says he will move a vote of want of confidence in the Government when he sees the slightest proof that the Government have confidence in themselves—have confidence in one another. Ought votes of want of confidence then to be spared, ought men to continue in office because they are so totally unfit to discharge public duties that even among themselves they do not exhibit a tolerable amount of agreement and mutual confidence? The right hon. Gentleman says Her Majesty's Government differ upon every vital question—that they differ about the Reform Bill—they differ about the Protestant Dissenters—they differ about the Protestant cause—they differ about their foreign policy—they differ, in short, about every question of interest. The right hon. Gentleman further says, that the head of the Government has no confidence in the Leader of the House of Commons, that the Leader of the House of Commons has no confidence in the head of the Government, that the Chancellor of the Exchequer has no confidence in any of his Colleagues, and none of his Colleagues have any confidence in him. That being the state of the case, and we, miserable and unworthy men, being here usurping the functions and aping the character of a Government, the right hon. Gentleman says, for these reasons, because you are so miserable, because you are so disunited, because you are so degraded, I will at this great crisis of the fortunes of England, leave you in place, where you are to govern the destinies of Europe and the world. Why, Sir, I tell the right hon. Gentleman that, if I possessed his great powers of mind and oratory, and held his position in this House, I would rather have been silent altogether on such a subject, than, after having made such an argument, have conducted it to such a recreant conclusion.

Sir, notwithstanding the hour, I am afraid I must occupy, at any rate, about one-quarter of the time which the right hon. Gentleman has taken up, with some remarks in answer to those which he has made; and I shall go as directly as I can to two points on which he made charges against my own department. The right hon. Gentleman impugns the policy that I have felt it my duty to pursue in lowering, at an early period in the last year, the interest on Exchequer bills; and he says that there were circumstances that had then occurred that should have shown me the impropriety of that measure. How unfortunate it is, Sir, that those hon. Gentlemen, so wise after the fact, did not then take notice of the circumstances that had then occurred. They are now willing with retrospective finger to point them out. At the time those circumstances were not so visible, and the right hon. Gentleman knows perfectly well that, although on this subject, like many other subjects of discussion, he himself was not indisposed to take objection, yet he took no objection himself at that time. Sir, the right hon. Gentleman occupied a long period of time in investigating a matter of no moment whatever. He stated that I laid claim to a saving of 26,000*l.* on the reduction of interest on Exchequer bills. Why, Sir, what I stated was this. I said, at the time, that it was an incidental observation, scarcely touching the substance of the case. I stated that the actual payment on Exchequer bills would be less the present year by a certain sum than it was last year. But I mentioned that the number of Exchequer bills this year was reduced. And it has been in dressing out such a subject as this, and in drawing his conclusions from it, that the right hon. Gentleman has thought fit to spend the time of the House. Now, the amount of payments in the year is no test of the merits of any financial policy that a Chancellor of the Exchequer may adopt. Does the right hon. Gentleman mean to say or not that I am responsible for the state of things that change the money market, and make it desirable or necessary to raise the rate of interest on Exchequer bills? That really is the question. He says that there has been a loss, and that I said on the contrary that the sum payable on Exchequer bills would be less this year; but if the sum paid upon them were double, it would have nothing to do with this point—namely, the imprudence of lowering the rate of interest on them last spring. The right hon. Gentleman says that the state of the funds, the rate of Bank discounts, and the amount of bullion, all showed that the policy which I adopted was erroneous. Now, the funds at the time I effected the reduction were within a fraction of par; the Bank discount was 3 per cent, having risen from 2; and the amount of bullion in the Bank had risen from 22,000,000*l.* to 23,000,000*l.* The state of the funds, the discount at the Bank, and the quantity of bullion in the Bank, were, therefore, all excessively high; but, says the right hon. Gentleman, because discount afterwards became low, because the amount of bullion became reduced, and because the funds were lower than before, therefore, I was wrong in the early part of last spring, and under a very different state of things, to reduce the interest upon Exchequer bills. But, does the right hon. Gentleman mean to lay it down as a general principle that no financial operation aiming at a reduction of interest, ought ever to be tried under any circumstances excepting at the very moment which is the most favourable—not at a favourable, or even at a highly favourable moment, but at a moment absolutely more favourable than any other moment, either before or after it. Look at the consequence of the doctrine of the right hon. Gentleman. The Bank may raise and lower its rate of interest from week to week—it can do precisely as it pleases; but the Chancellor of the Exchequer, when he fixes the rate of interest on Exchequer bills, must fix it for twelve months at a time. How are you to ensure, when you determine the rate of interest on Exchequer bills, that the apex of favourable circumstances will be at a given time, and neither before nor after it. Now, I proceeded, with regard to Exchequer bills, upon deliberate conclusions, and, notwithstanding what the right hon. Gentleman has said, I contend that the measure was fully justified.

I hope, if the right hon. Gentleman thinks it was not fully justified, that, instead of confining himself to discussions and declamations, which are convenient for occupying time, but which do not tend to any issue, however he may be indisposed to move a vote of want of confidence—I hope he will try, at any rate, to bring this matter to a fair issue.

Sir, I proceeded upon deliberative conviction, and I am bound to tell the right hon. Gentleman, what I have never said before, but in continuance of this discussion I am compelled to say it—that had the right hon. Gentleman himself, when he held the seals of the Chancellor of the Exchequer, been in any position of permanence as a Minister, using the word in the qualified sense which attaches to an ordinary Government in this country—he ought himself long before to have done that which I did; and he would have been guilty of a scandalous waste of the public funds if he had renewed Exchequer bills at the same high rate of interest as they bore in June, 1852. In June, 1852, Exchequer bills were at *75s.*; and they fell to *55s.*, and, therefore, the rate of interest was lowered. Now, what are Exchequer bills? They are bills running for twelve months. What interest did they bear at that time? The interest was at 1½*d.* per day, or *45s.* as the interest for the whole of the year, which, after deducting income tax, came to 43*s.* Well, then, the premium on these bills—which you will recollect are redeemable at par at the expiration of the year—was more than equal to the whole interest, and yet the right hon. Gentleman says that that was not a state of things which called for my interference. Sir, I say it is the right of the public to borrow upon the best terms that it can; the necessary restraints of law place the public at great disadvantage in its dealings with the Bank and other parties; and on account of these great disadvantages, inherent in the nature of their position, it is still more the essential obligation of the Chancellor of the Exchequer to borrow for the public on the best terms that he can. Now, I say that the time I made the reduction to 1*d.* a day was the proper time for doing so, and I prove it by saying that I did it. The hon. Member for Peterborough (Mr. Thomson Hankey), with less attention to accuracy than I should have expected from his position, says that I reduced the interest to 1*d.*, and the bills then fell to a discount.

The Chancellor of the Exchequer

Well, was there anything that intervened between those events? Does the hon. Gentleman mean to say that they fell to a discount when I reduced the interest? Sir, the reduction of the interest was announced in the second week in February; and here are the prices of Exchequer bills on the business day of each month, and the 1st of June is the earliest of the days on which there is the slightest mention of a discount. Therefore, I say the hon. Member is seriously in error on this matter, because for three months after the reduction of the interest the Exchequer bills remained at a premium, and, therefore, the fair inference is, that when they came to a discount, the change took place on account of the increasing pressure on the money market, and not on account of the reduction. I propose to adopt what I think is a fair mode of dealing with this question.

The right hon. Gentleman (Mr. Disraeli), who was so large and full on such a multitude of points of perfect unimportance, which he dressed and decked out with a finery belonging to himself, passed over in total silence and oblivion those other matters that were not so convenient for him to notice. I made a reference when we discussed this subject before, which I think a fair reference, and one calculated to bring this question to an issue; because the charge made against me, if I understand it, is, that by an imprudent reduction in the rate of interest on Exchequer bills last spring, I caused a violent reaction and an increase of expense. Well, then, if that be the case, what I say is, that I will look to a neighbouring country. You say I produced a violent reaction—that I am now paying (and it is true) double the rate of interest that I was paying twelve months ago; and the reason you give—which is not true—is, that the reduction I made was too low. Well, now, what was the state of the case twelve months ago in France? Twelve months ago the rate of interest on one class of French Exchequer bills was 1½ per cent; and I think I may say, with all due respect, that it was not a hopeless case for the English Government to expect that their bills should float for longer dates, at the same rate of interest, with the Exchequer bills of the Government of France. You say I would not have required to double the rate of interest unless I had first reduced that rate of interest too low. Well, but look again at the case of France. The Exchequer bills, which were at the rate of 1½ per cent twelve months ago, only a few days ago were raised to 4½ per cent. So that while I have had to double the rate of interest on Exchequer bills, the French Government had to treble the rate of interest on their Exchequer bills. Now I shall trouble the right hon. Gentleman for an explanation of that fact, when he next sets himself to complain of my imprudent reduction as having doubled the rate of reduction on the rate of interest on the Exchequer bills. Sir, it is not necessary for me to enter at greater detail into these matters.

The right hon. Gentleman, also, spoke in the most alarming terms of the large amount that required to be paid on account of the formidable accumulation of deficiency bills. He said, it might be very true that we had saved some 10,000*l.* or 20,000*l.* on Exchequer bills; but what was that to the very serious loss which the country would sustain on the deficiency bills which that saving rendered necessary? Sir, I hold in my hand the returns of the deficiency bills for the three last quarters, being all that have yet been made up. The cost on deficiency bills for the first of these quarters was 62*l.*; for the second, 770*l.*; and for the third, 481*l.* A sum amounting to between 1,100*l.* and 1,200*l.* is the whole amount of charge caused by these tremendous and overwhelming deficiency bills. The right hon. Gentleman, I confess, sometimes appears to me, in the heat, or, at least, in the force which he brings to bear upon these discussions, to dilate upon these subjects in a manner which might tend to excite great alarm in the public mind. I remember, Sir, on former occasions, when questions relating to the public credit were discussed, it was done with great reserve. At a time when not more than 900,000*l.* remained as a balance in the Exchequer, to meet the demands of the next quarter-day, the fact was alluded to, indeed, but the allusion was made in grave and sober terms, by no means in those ornate orations which we are now accustomed to hear night after night; and I must confess that at first serious alarm entered my mind, when I heard, and admired while I heard, the brilliant oratory of the right hon. Gentleman; but at the same time serious apprehensions entered my mind, lest, knowing the high authority of the speaker, alarm should seize upon the public mind. I said, here is my predecessor in office telling the public that it is impossible for the Chancellor of the Exchequer to meet his engagements next quarter-day. Sir, that might have caused great alarm among gentlemen in the City. The last time when the right hon. Gentleman favoured us with these displays—I know not how it it may be to-morrow—but the last time he so favoured us was on the 6th of March. On the 7th, I was curious to know what was the effect of his speech, and I found that Consols, which on the 6th stood at from 90⅝ to 91, stood on the 7th at from 91 to 91⅝. After all the dark anticipations I had formed, Sir, I confess this proved to me no inconsiderable relief.

I come now, Sir, to the main questions on which the right hon. Gentleman has challenged me—the two main objects in his speech—one of which was the abortive action upon the funded debt, and the other the state of the balances in the Exchequer. Here the right hon. Gentleman marshalled against me a great array of premonitory sentences, and after a long accumulation of epithets, he wound up with the declaration that it was absolute madness—I think those were the words—absolute madness, to present any plan for the reduction of the interest on the national debt last March. But the right hon. Gentleman forgets that I referred him before to his own opinions. [Mr. DISRAELI intimated dissent.] No, he remembers that, but he forgets what the opinions were to which I did refer him. He comes down here in March, 1854, full of wisdom, after the fact. But he forgets what was the state of opinion in March and April, 1853. Sir, I was curious to know what was the state of public opinion at that time; what was its action upon the funds; what were the general sentiments among those interested in money matters; and those who will take the trouble to refer to that period will find that all who censured me on that occasion, censured me, not for what I attempted, but because I had secured too little for the public. I referred to that opinion expressed by the right hon. Gentleman; and he says, what a wretched thing is the *argumentum ad hominem.* But, Sir, I did not use it as an *argumentum ad hominem.* I used it, because at that time, in his objections, the right hon. Gentleman represented public opinion; and because he knows that public opinion has varied, therefore the right hon. Gentleman has also altered his tone. But the right hon. Gentleman did then make that objection. We did not hear a word then about the prospects of a bad harvest, or of the state of the funds, but the right hon. Gentleman went into a long and imposing detail of the state of the public debt. He showed how one Minister after another had reduced, some 1,000,000*l.*, some 1,500,000*l.*; and what do you mean, he said, by your paltry reduction, which even at the outside cannot amount to more than 500,000*l.* a year? It will not do that he should say, what any of us may say, that we have learned something from the experience of the past. Oh, no, he says, all the facts were then in existence. But he entirely forgets to allude to the fact—though I reminded him of it the other night—that both he and his hon. and learned brother in finance beside him united in warning and censuring me, not because I proposed a reduction, but because that reduction was so insignificant.

Sir, I must now refer in a few words to the question of the balances in the Exchequer; and in doing so, I must refer to the speech of the hon. Member for Peterborough (Mr. Thomson Hankey). Far be it from me to complain of the speech of the hon. Gentleman. I regret that in subsequent allusions to the speech of the hon. Gentleman he was described by several Members as the Bank Director; not because I do not think that he is a most useful and worthy Bank Director, but lest the impression may be produced out of doors that he spoke in his official character of Bank Director, as the representative of that establishment. But, Sir, I think the House will see, from the speech of the hon. Gentleman, that the relations between the Bank of England and the financial department of this country, though of an intimate, are still of a most independent character; and I fear, moreover, the impression may be produced that the relations existing between him and me are not eminently favourable to the fortunate conducting of our financial affairs. Sir, I find no fault with the speech of the hon. Gentleman, but I think it may be inferred from what he said that I had recently been to the Bank more or less as a suppliant, asking for loans at less than their market value, and putting upon the Bank a pressure on the assumption that it was bound to have regard to the interests of the Exchequer apart from its own interests as a standing corporation. Sir, I disclaim any such intention or act; and, moreover, I think I may say, though I was not present at the meeting of the Bank proprietors held a few days ago, but I have been informed that a question was then put to the Governor of the Bank by one of the proprietors, who wished to know whether a proposition had been made which was favourable to the interests of Government, but which was at variance with the interests of the Bank, and the Governor, as I am informed, replied distinctly that he had received no such proposition. Sir, it is perfectly clear that the Government have no right to demand a pecuniary advantage of a single farthing in their transactions with the Bank. It is the business of the Bank to charge the Government—and it would be perfectly compatible with the most friendly relations between them to do so—the fair value for any accommodation which they may afford. Sir, the hon. Member for Peterborough also dwelt upon the deficiency bills in a manner which, I think, may cause serious public misapprehension. What is the state of the case? Is it a question of principle or of degree? Is it the opinion of this House that deficiency bills are an illegitimate means of meeting the public exigencies? If they think so, let those who think so repeal the Act of Parliament by which the power is committed to the Chancellor of the Exchequer to negotiate the issue of deficiency bills. I contend for directly the contrary. The Act was passed nearly forty years ago, and had been acted upon ever since. The hon. Gentleman quoted the state of the balances during the last six years; and it is true that they have been less during that time than during the thirty-seven years before. And why? Because, for the last six years the excess was the other way. The deficiency in the revenue was so great in 1841, the deficiency bills had attained such a height in combination with a deficient revenue, that they exercised a pernicious influence upon public credit. Is that a reason why we should not reserve a reasonable and a moderate amount of deficiency bills? What is the opposite doctrine? It is that the finance Minister ought to have a constant accumulation of money in the Bank throughout the quarter, beginning by low balances of 500,000*l.* or 1,000,000*l.*, and running up at the end to 9,000,000*l.* or 10,000,000*l.* I do not believe that is a very good course to be taken, either for the trade of the country, for the Bank, or for the Government. You wait, then, to hear what is the opposite doctrine upon this subject. My doctrine is, as I have said, that a moderate and reasonable use of deficiency bills is not only compatible with the welfare of the country, and consistent with the maintenance of public credit, but that it is the most convenient for all parties. The hon. Member for Peterborough accedes to that doctrine; but then he says that the present amount of deficiency bills is an excessive amount. [Mr. Thomson Hankey: I did not say excessive.] I do not mean to quote the exact expression used by the hon. Member, but rather the effect of what he said; and, as I understood his meaning, it was that the Government had issued more deficiency bills than they ought. My own view of the amount of deficiency bills which will be brought to charge in the next quarter is that it will be from 4,000,000*l.* to 4,500,000*l.*; and, as I have said upon a former occasion, I consider this to be a larger amount than it is desirable to have permanently. I should say that if the amount called for permanently was 2,000,000*l.*, or 2,500,000*l.*, it would be a very good arrangement. Then, of course, it would be the duty of the Chancellor of the Exchequer to make use of such means as he has at command to reduce that amount from quarter to quarter; and it would be in his power, if the finances of the country are kept in a state of soundness, as I believe they will be by the care and wisdom of the House of Commons, to effect that purpose in three or four quarters. But I do not wish it to be understood by any means that the amount of deficiency bills now called for is either unprecedented or rare. If I look back to the years from 1840 to 1843, I find the amounts during that period commonly varied from 4,000,000*l.* as a minimum to 7,000,000*l.* and 8,000,000*l.* and even more. This, being combined with a deficit, is an impolitic, an undue, and a dangerous practice. But I will go further back. You seem to think that there can be no deficiency bills except as an indication of an unsound state of the revenue, of weakness in public credit, and of deranged trade. But I will take the years 1832, 1833, 1834, and 1835, to show the fallacy of that opinion, because every one of those years was prosperous; they were each a year of surplus revenue, of a sound state of public credit, and of a prosperous state of trade. In 1832 the smallest amount of deficiency brought to charge was 3,353,000*l.*, and the largest 7,756,000*l.*; in 1833 the minimum was 4,880,000*l.*, and the maximum 7,230,000*l.*; in 1834 the minimum was 4,480,000*l.*, and the maximum 6,767,000*l.*; in 1835 the minimum was 3,590,000*l.*, and the maximum was 6,500,000*l.* The average of the minimum was 3,878,000*l.*; the average of the maximum 6,967,000*l.* Is, then, 3,750,000*l.*, which is about the total amount brought to charge in this quarter, to be considered an alarming amount, being less than the minimum of these sound and prosperous years? I think not. Sir, we must go to book upon these subjects. It will not do to declaim upon them in vague and amusing generalities. We must look at these things as practical men, and doing so, I say that the amount brought to charge is not an excessive amount.

The hon. and learned Member for Wallingford (Mr. Malins) has been pleased to say he will not be hard upon me, but that he wishes me to understand that matters of finance are very important and delicate operations. Sir, I am deeply indebted to the hon. and learned Gentleman for a lesson of a nature so far removed from my common education that I never could have hoped to have attained to its possession except through his kindness. There is, however, one point more, which appears to have been one that hit the fancy of the right hon. Gentleman the Member for Buckinghamshire. It was not a question of the *argumentum ad hominem;* but he said "these are opinions merely," and then he proceeded to draw a strong and glaring contrast between a man's opinions and his conduct. Opinions are nothing; conduct is everything. Then what is the use of opinions? I apprehend they are intended to have some influence. I take it for granted that the man who stands in my place where I now stand, occupying the office of Minister of Finance, and giving an opinion upon finance, is not to be allowed subsequently to evade the consequences of that opinion by saying that he did not act upon it. It was his opinion; and I will suppose it was his sincere opinion. If it was his sincere opinion it had the weight of his authority, and I am entitled to presume that when opportunity offered he would be prepared to act upon it. How can he evade the consequences of it?

I find myself, Sir, at a late hour (ten minutes to two o'clock) after such observations as I have thought it necessary to make to the House, in the position of having to deal with the hon. Baronet (Sir H. Willoughby). To that Motion I have not yet made the slightest allusion. In that respect I have followed the example of all who have gone before me—I have been equally vicious in principle, but I trust it will be allowed that I shall be more moderate in degree. In a very few sentences I will say why I cannot agree to the Motion—a Motion which has been made the battle-field for all sorts of subjects, though the hon. Baronet brought it forward in a straightforward way, and with a proper and earnest conviction that in doing so he was only doing his duty. It is impossible to accede to the Motion, because the object of the Government has been to reconcile together several purposes that might be considered in conflict with one another. We might have attempted to form an estimate of the year's expenditure. If we had done so—if we had taken a year's estimate of war expenditure—we must have asked the House for a very large sum; and if we had asked for a very large sum, we might have asked for a sum greatly beyond that which the exigencies of the war may require; for I will not pretend to say, looking at the powerful combinations that have been formed, that it is not impossible to bring the war to a close within a short time. We have thought it wise to take warning by the experience of our predecessors; and to come to this House and say, "We will leave the power in your hands by asking only sufficient for a limited term." We say, "You are going to sit for four or five months; and we will reserve to ourselves the opportunity and to you the power of considering towards the close of that period the appearance of public affairs, and the probable demand that will be made upon the Exchequer for expenditure on the war." But by taking the other course we must have asked for a sum that would have been deemed extravagant, and then we should have been told we were calling for money which we were not sure we should want. What did Mr. Pitt do? He brought in his Budget early in the year—the first year of the French war. He produced a Budget for the whole year; and he took for his extraordinary expenditure, 1,250,000*l.* For the period of a whole year no more was heard upon the subject; and in the next year Mr. Pitt informed the House that, besides having absorbed the 1,250,000*l.*, he had laid out 6,000,000*l.*—that there had been extra expenses, unprovided for by the Votes of Parliament, amounting to about 5,000,000*l.* Sir, that would not be a satisfactory state of things for this House at this time of day. It was therefore, felt to be our duty to inform the House of the demands made upon us. In order that we might deal with the House in freedom and confidence, we put them in possession of our present wants, leaving it to the House to provide for future emergencies. It was, therefore, necessary to ask the House, as we are now doing, to make provision for six months' expenditure by six months' taxation. If we had asked for the expenses of six months' war upon twelve months' taxation, the hon. Baronet will see at once the position in which we should have been placed in relation to the great object of making the expenses of the year to be paid within the year. Much has been said tending to disparage the principle of raising the supplies for the year within the year; and words have been used which seemed to indicate an intention—perhaps not yet formed, but which may grow into substantive and distinct development—of endeavouring to induce the House to depart from that most sound principle. I do not intend now to discuss the obligations of the House in that respect. All I will say is this—that I trust the House will, both upon moral and prudential, as well as economical considerations, adhere, to the very utmost of its powers, and in the most rigid form, to this valuable principle of raising the supplies within the year. And I think I may venture to promise, on the part of the Government and of myself, that so long as there is upon the part of the House a disposition to do justice to the country in this respect, we at least shall be ready to fulfil our part.

Colonel SIBTHORP said, he had heard something about their being "economical and prudential," but though he had heard only the end of the right hon. Gentleman's able speech, he could say, after twenty-six years' experience in that House, that he never relied upon the speeches or promises of Chancellors of the Exchequer. He would, however, ask the right hon. Gentleman a question, namely whether in case of a war not taking place—though he would tell the right hon. Gentleman that he hoped it would, in order that they might give the Emperor of Russia a downright good licking, and, in addition, teach the Emperor of the French—upon whom he (Colonel Sibthorp) placed no reliance whatever—not to endeavour to "humbug" this country—he would ask the Chancellor of the Exchequer whether, in case of no war taking place, he would promise not to enforce the infliction upon the country of the double tax? He (Colonel Sibthorp) thought that a declaration of war ought to have taken place before that time, in order that the suspense and anxiety of many persons might have been relieved. He had never yet, nor would he, support an income tax in time of peace, but he would subscribe to it freely in time of war.

The CHANCELLOR of the EXCHEQUER said, that he was afraid he could not promise not to call for the additional income tax, even if there was no declaration of war, because this modicum of taxation would in fact be required to defray the expenses of the present expedition to the East.

Question put and *agreed to.*

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. Bouverie, Mr. Chancellor of the Exchequer, and Mr. Wilson.

The House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS,

Wednesday, March 22, 1854.

Minutes.] New Writ.—For Westmorland, *v.* William Thompson, Esq., deceased.

Public Bills.—1° Income Tax; Carlisle Canonries; Bankruptcy (Ireland).

2° Payment of Wages (Hosiery).

SIMONY LAW AMENDMENT BILL.

Order for Second Reading read.

Mr. ROBERT PHILLIMORE, in moving the second reading of this Bill, said it was in substance the same as that which he had the honour of laying on the table of the House last year, with one addition, which perhaps would make it more acceptable to those who had offered opposition to it upon that occasion—namely, that he proposed to provide that the measure should not operate in the case of presentations which had already become the subject of purchase or sale, or which had been contracted to be so made. The measure which he had brought in last year had met with an untimely end, owing to an unfortunate accident, which he would not trouble the House by dwelling on, but in consequence of which his noble Friend (Lord Goderich), of whose assistance he was glad to say he had the benefit again to-day, declined to go to a division, and the measure was therefore withdrawn. Although he had not been present upon that occasion, he had heard and read what had passed, and he must say that the misstatements and misconstructions were of that extraordinary character that he felt that he should not discharge his duty, nor properly execute the task which he had undertaken, unless he stated as concisely as he could what the present state of the law was, what were the evils resulting from that state of the law, and what was the remedy which he proposed. The objections which were made to the measure last year were of themselves of the most inconsistent character. From his hon. and learned Friend opposite (Mr. G. M. Butt) it received an unqualified and unhesitating opposition, upon the intelligible, but as he believed untenable, ground, that it was an invasion of the rights of property; but from the right hon. Baronet behind him, the Member for Morpeth (Sir G. Grey), whose opinion, on account of his great eminence and of the high position which he held in that House and in the country, necessarily carried with it very great weight, it met with an opposition of a totally different character. The right hon. Baronet's objection was not that it invaded property, but that it did not go far enough; that the change which it proposed was of so trifling and insignificant a character as to be utterly unworthy the serious consideration of the House. The task which he had undertaken to discharge to-day, and which with the kind indulgence of the House he hoped to be able to fulfil, was to demonstrate in the first instance that the present state of the law was highly objectionable; and next that the remedy which he proposed had received the highest sanction which any measure could desire—the sanction of the assembled Judges of the land advising the House of Lords in a most important case to which he would by and by refer. With respect to the early history of the law, it was not his intention to trouble the House with any narrative. He had nothing to do with the provisions of any foreign jurisprudence in reference to this subject. He was content to take it up at the time of the Reformation, and to show that the evil of which he now complained was one which the Legislature had sought, ever since that period, if possible, to find a remedy for. Now, in the reign of King Edward VI., whose reforming principles he thought no Member of that House could deny, and who could not be charged with a leaning to any foreign prince or prelate, certain injunctions were issued, which were originally published, with the sanction of that King, in the year 1547, and were afterwards approved by Queen Elizabeth in the year 1559. In these injunctions he found, among others, the following important provision:—

> "To avoid the detestable sin of simony, because the buying and selling of benefices is execrable before God, therefore all such persons as buy any benefices, or come to them by fraud or deceit, shall be deprived thereof and made incapable at any time after to receive any spiritual preferment; and such as sell them, or by any colour bestow them for their own gain, shall lose their right and title to the patronage."

These injunctions were followed up by the Statute 31 *Eliz.* chap. 6, which for the first time brought in the sanction of the temporal to aid the ecclesiastical law, by punishing lay patrons as well as extending its provisions to those of a clerical character. By the 5th section of that Statute, it was enacted that—

> "If any person for any sum of money, or reward, shall present, or collate, admit, institute, induct, or instal any other person to any ecclesiastical benefice, or dignity, both the giver and the taker shall forfeit two years' value of the benefice, the presentation shall be void, the presentee shall be rendered incapable of ever enjoying the same benefice, and the Crown shall present to it for that term."

Then came a canon, which was passed in the time of James I., and which contained pretty much the same language as these injunctions, and as the Statute of Elizabeth. But the oath which every clergyman was obliged to take, and which was appended to this canon, was well worthy of the consideration of the House; for one of his great objections to the present state of the law was that it led in a great many cases indirectly, and in some he was afraid directly, to hypocrisy, and even to perjury. [The hon. and learned Gentleman here read the oath and proceeded.] This oath, solemn as it was in its terms, had, nevertheless, been found, as the House would see, insufficient for its purpose. He

need scarcely trouble the House with any allusion to the 1 *Will. & Mary*, chap. 16, which merely provided that the simoniacal presentation of one person should not prejudice any other; but he must pray their attention to the 2nd Statute of the 12 *Anne*, chap. 12, because it had a direct bearing upon the measure which was now before the House, and appeared to him to furnish a direct precedent for it. By that Statute it was enacted—

> "That if any person shall or do, for any sum of money, reward, gift, profit, or advantage, directly or indirectly, or for or by reason of any promise, agreement, grant, bond, covenant, or other assurance, of or for any sum of money, reward, gift, profit, or benefit whatsoever, directly or indirectly, in his own name, or in the name of any other person or persons, take, procure, or accept the next avoidance of, or presentation to any benefice with the cure of souls, dignity, prebend, or living ecclesiastical, and shall be presented or collated thereupon, that then every such presentation or collation, and every admission, institution, investiture, and induction upon the same, shall be utterly void, frustrate, and of no effect in law, and such agreement shall be deemed and taken to be a simoniacal contract; and that it shall and may be lawful to and for the Queen's Majesty, Her Heirs, and Successors, to present or collate unto, or give or bestow every such benefice, dignity, prebend, and living ecclesiastical, for that one time or turn only; and the person so corruptly taking, procuring, or accepting any such benefice, dignity, prebend, or living shall thereupon, and from thenceforth, be adjudged a disabled person in law to have and enjoy the same benefice, dignity, prebend, or living ecclesiastical, and shall also be subject to any punishment, pain, or penalty limited, prescribed, or inflicted by the laws ecclesiastical, in like manner as if such corrupt agreement had been made after such benefice, dignity, prebend, or living ecclesiastical had become vacant."

Now, the interpretation put by the courts of law upon this Statute—he did not stop to ask with what justice—had been that it affected only clergymen. Therefore, the existing state of the law was this—that it was competent for a layman to purchase the next presentation to a living—that it was wholly incompetent to a clergyman to do any such thing—that it was wholly incompetent for either clergyman or layman to purchase a void living, which the common law of England declared to be "execrable before God, and a sin;" but that both clergymen and laymen were at liberty to purchase advowsons. That appeared to him to be the existing state of the law. Now, it was very important that the House should see what was the principle and the policy of the common law of England. And he would beg the attention of his hon. and learned Friend opposite to the fact that he was speaking of the common law of England, and not of the canon law. What was the principle and the policy of the common law in reference to these simoniacal transactions, which it had thus prohibited? In a case, "The Bishop of Lincoln *v.* Wolferston," which had come before Lord Mansfield and Mr. Justice Wilmot, both these eminent Judges had explained that principle and that policy as follows:—

> "The true reason why a grant of a fallen presentation, or of an advowson after avoidance, is not good, *quoad* the fallen vacancy, is the public utility, and the better to guard against simony—not the fictitious reason of its being then become a chose in action."

He did not think that anybody would be found who would be hardy enough to controvert the statement of these high judicial authorities, or to contend, in opposition to that statement, that the existing prohibitions rested not upon grounds of public utility or public policy, but upon purely technical grounds. But this was not merely a question for the lawyer; it was a question also for the jurist and the statesman; and he thought that if he referred to the authority upon this subject, he should not be charged with making reference to one who could be accused of any leaning towards what were called High Church principles, or of whom it could be said that he did not deal with every question that came before him with the greatest possible fairness and candour. He (Mr. Phillimore) did not subscribe implicitly to his moral or his philosophical doctrines, but he admired the acuteness and the common sense which he brought to bear upon any subject that he discussed. Archdeacon Paley, in his *Moral and Political Philosophy*, then, in reference to this subject, had the following passage:—

> "The sale of advowsons is inseparable from the right of private patronage, as patronage would otherwise devolve to the most indigent, and for that reason the most improper hands it could be placed in; nor did the law ever intend to prevent the passing of advowsons from one patron to another, but to restrain the patron who possesses the right of presenting, at the vacancy, from being influenced in the choice of his presentee by a bribe or benefit to himself. It is the same distinction which obtains in a freeholder's vote for his representative in Parliament. The right of voting—that is, the freehold to which the right appertains—may be bought and sold as freely as any other property; but the exercise of that right, the vote itself, may not be purchased or influenced by money. . . . . Where advowsons are held along with manors, or other principal estates, it would be an easy regulation to forbid that they should ever hereafter be separated, and would at least keep church preferment out of the hands of brokers."

There was one other reference upon this important subject, which he had no doubt the House would be glad to hear. It was the authority of Professor Whewell, whose work was probably known to most of them, and who said—

> "That the condemnation of simony has been continued to modern times, and adopted in our own laws, and it is plain that not merely the sacredness of spiritual things, but justice and decency, are violated by the sale of spiritual offices. The sale of advowsons may appear, but it is not at variance with the laws against simony. The right of private patronage implies rather a sacred aspect in property than a secular aspect in the ministry. The principal lord in the land had originally a religious as well as a civil duty to his tenants; and when the advowson is separated from the local property it still implies a religious duty in those who hold it."

These, then, were the opinions of very eminent Judges, of very eminent writers, and, if he might use the expression, of very eminent political philosophers, upon this subject. It was important to show the House how this law, anomalous as it was, had been evaded to the injury of public morals. He had already pointed out that the sale of a void living was illegal; but, as long as the incumbent was alive—as long as the breath was in his nostrils, and physical existence remained—however evidently he might be approaching the close of his earthly career—although consciousness, and sense, and reason might have departed—although he might be *in articulo mortis*—then, he was ashamed to say, the law at present was, that—although if the breath were gone, the sale would be illegal, and criminal, and void, contrary to public morals, and to public utility, or, in the words of King Edward's injunctions, "execrable before God, and a sin"—yet if the incumbent had any breath in his body—if he had even five minutes of life, the conveyance would be perfectly valid and the transaction perfectly legal. Upon this point he would call the attention of the House to a case well known to lawyers, Fox *v.* the Bishop of Chester, which came before Lord Tenterden, in the Court of King's Bench, in the year 1824. Lord Tenterden, in dealing with that case, made use of expressions which I will now take the liberty of reading:—

> "Can it, then, be said that an agreement for the sale of a next presentation, at a moment when the incumbent is, and is also known to be, afflicted with a mortal disease, and in extreme danger of life—that is, at the point of death—followed by a deed, purporting to be a conveyance, not of the next presentation, according to the agreement, but of a term which may happen to include two or more presentations, but intended only to convey the next presentation, is not a manifest evasion of the provisions of the Statute, and an indirect presentation of the clerk, Mr. Fox, the buyer, by Mr. Trafford, the seller? . . . In our opinion, however, the presentation made under such circumstances is an indirect presentation made by Trafford, the seller."

The decision, therefore, was in favour of the bishop who refused his presentee; but the case was subsequently carried to the House of Lords, and the Judges were called in to advise their Lordships in their arduous duty of deciding upon that occasion. He would not trouble the House with any lengthened extract from the judgment which they then gave; but he would shortly state the grounds upon which they reversed the decision which had been pronounced in the Court of Queen's Bench, and would also pray the House to recollect not only the caution with which they had guarded their opinions, but also the recommendation which they had then given to the Legislature in favour of a change of the law—a recommendation which it was his object, and with the kind assistance of the House, he trusted he might add his hope, to become the humble instrument of carrying into effect. Lord Chief Justice Best, speaking in the name of all the Judges, said:—

> "If the advowson be sold when the church is void, the next presentation will not pass; and if the next avoidance only be sold after the death of the incumbent, the sale is altogether void. It may be wise to carry the restraint of the sale of this species of property still further, and to say that the next avoidance shall in no case be sold. Undoubtedly much simony is indirectly committed by the sale of the next presentation. If it be proper to prevent the giving of money for presentations, it seems equally proper to prevent the sale of that which gives the immediate right to present; but the courts of law have never felt that they were authorised to go that length."

Here then were judgments directly pointing out the evil which existed in consequence of the evasion of the law as it now exists by the sale of next presentations. Another equally high authority—Lord Eldon—in the case of Barrett *v.* Glubb, in which the Court of Chancery had compelled the execution by actual conveyance of a contract for the sale of an advowson two days before the death of the incumbent, carrying with it the assignment of the next presentation—thus expressed himself:—

> "Now, my Lords, regarding the effect of this decision on human transactions, seeing that in all probability many transactions have taken place upon the footing of it, it does appear to me to be very undesirable that that decision should be shaken by the courts of law. I confess that I would rather see an Act of Parliament than any further extension of the arguments at the bar."

He thought, therefore, he was perfectly justified, in the position which he sought to occupy, in saying that the measure which he proposed for the consideration of the House was not to be charged with any invasion of the law of property, or justly open to the objections which had been urged against it. He had shown that it was a measure which had the sanction of the highest judicial authorities in this land, because, they said, in the present state of the law that was indirectly permitted which was directly forbidden; and, because, they said also, that the proper remedy for the existing evil was an Act of Parliament. He presumed that hardly any hon. Member would rise in his place and say that the present state of the law with respect to simony was satisfactory, and was susceptible of no improvement. That being so, two modes had been suggested of amending it—one of which was to annihilate the very notion of simony, and to adopt the practice which Shakspeare ascribes to Cardinal Wolsey, of whom he says, "With him simony was fair play"—a suggestion with which, while he gave its advocates the credit of consistency, he confessed it was impossible for him to agree. The courts of this country had always been most strict in guarding all the avenues of justice. The sale of judicial offices had always been forbidden by Act of Parliment, and had been always contrary to the law of the land. If a Minister were to sell a common clerkship he would be liable to be visited with condign punishment. If a Member of Parliament were to sell his influence to obtain the smallest or the pettiest place, he would be visited—as they had lately had an opportunity of seeing—with the heaviest censure of that House. If an East India Director sold the smallest portion of his patronage, he was liable to be indicted. If he were told that this Bill was a wholesale invasion of property, he would beg hon. Members who used this argument to reflect that in the first place it was used in vain when Gatton and Old Sarum were destroyed, although it was believed that Mr. Pitt, in a Bill which he intended to bring in, had proposed to give some compensation to the owners of such boroughs. This argument of compensation had been been well met by Sir James Mackintosh, who had drawn a distinction between a property and a trust, and who showed that property had never been so much endangered as when a trust was confounded with it. It would be difficult also for hon. Gentlemen to answer this objection—if it were a hard measure to take from lay patrons without compensation the power of selling next presentations, was it not equally hard to take the same right from clerical patrons under the same circumstances, by the Act of Anne? He wished to know upon what ground a layman clothed with a spiritual trust was to claim compensation for the loss of that which clergymen clothed with a spiritual trust had already been deprived of without any compensation at all. And there was another reason much stronger than that. He did not know whether the House was aware of it, but until recently a right prevailed, under which the archbishop had a power, whenever a bishop was created or translated, to compel him to execute a conveyance to him of the next presentation of the best benefice in his gift; and so absolute was the right which this conveyance conferred that it became a part of the personal chattels of the archbishop, and in the memorable case of the archdeaconry of Rochester was actually put up to sale at Garraway's by the archbishop's executors and sold to an accidental passer-by. Benefices were thus made the archbishop's property, and they were property of a most valuable description; but how did the House deal with it? By the 3 & 4 *Vict.* chap. 113—in the middle of a Statute passed with no such object—they, without the slightest notice or compensation to the persons whose valuable property was taken away, passed a section enacting—

> "That it shall not be lawful for any spiritual person to sell or assign any patronage or presentation belonging to him by virtue of any dignity or spiritual office held by him, and that every such sale or assignment shall be null and void to all intents and purposes."

So little was the Archbishop aware of the change that had been made, that when the present Bishop of Oxford succeeded to that see, the conveyance was sent to him to be executed in the usual way. The Bishop, however, objected to execute it, on the ground that the provision in the Statute of Victoria had deprived the Archbishop of his right, and the law officers of the Crown, on being appealed to, were of opinion that the objection was valid. And thus a most important property belonging not only to the see, but to the present Archbishop, had been taken away without any compensation. They had therefore, already applied the rule to the clergy which he now asked them, for the sake of public morality and public decency, to apply to laymen also. When he said for the sake of public morality, he did not think any hon. Member could turn over the pages of certain newspapers, and see the cure of souls offered for sale in ordinary advertising language—such as would be used in reference to the disposal of an estate, or of the cattle and horses upon it—without feeling emotions of the deepest regret. He had a selection of such advertisements, with which he would not trouble the House, but in which the inducements held out were all of the most secular character. They read of "a comfortable family house," "a four-stalled stable," "a good trout stream," and other matters of the same kind, but they looked in vain for any announcement of the spiritual interests of the parishioners, or the important nature of the charge to be undertaken. In a recent sale of this description at Garraway's the auctioneer had declined to say whether the incumbent was a good or a bad life, but had stated that if he were to die that night, the purchaser would have the presentation, and after detailing all the secular advantages, put up the living for 7,000*l.*; a brisk competition ensued, it was soon run up to 8,000*l.*, and was ultimately knocked down for 8,400*l.* [Sir G. Grey asked whether that did not refer to the sale of an advowson?] Yes, that was an advowson, no doubt; and those who thought the Bill ought to go much further would be entitled to avail themselves of that fact, and to found an argument upon it. He had only alluded to the subject for the purpose of showing how these solemn trusts were overruled by worldly interest. We had had a searching inquiry into our ecclesiastical arrangements and we could hardly complain of that, because, unquestionably, there were grievances which required to be redressed; but he had never yet heard that it was an effectual argument in the case of an ecclesiastic that his trust was a property which ought not to be interfered with; and he hoped, for the sake of the honour of the country and their personal credit, that they were not going to apply a different rule in the case of laymen from that which they had enforced in the case of ecclesiastics. If he had succeeded in showing that the right of presentation was, in its essence, a public trust, and only in its accident a private property, it would be urged in vain in this case, as it had been in others, that they must not interpose to cause that trust to be properly administered, because, by so doing, they would interfere with the property of a person who himself ought to have administered in the right way. He thought they would set an example little creditable to the country if they flinched in this instance from the application of those principles which, in the abstract, they so much admired, and which they had applied so unsparingly in other cases. He must be excused for saying that he had heard no argument as yet which satisfied him that the recommendation of the Judges in the case to which he had alluded should not be carried into effect. If Lord Tenterden was right in saying that simony was indirectly committed in the sale of next presentations—and if simony was an offence injurious to public morality and public decency—if these two premises were granted, why should they not interfere in the case of laymen, as they had already in the case of the clergymen unhesitatingly done.

Motion made and Question proposed, "That the Bill be now read a Second Time."

Mr. G. BUTT said, he agreed with his hon. and learned Friend who had just sat down that this was a question of considerable importance, and he was not disposed to treat it in any way except calmly and with a view to ascertain, first of all, what the mischief was which it was proposed to remedy, and then to consider whether the present measure was calculated to effect that object. His hon. and learned Friend had stated that upon a former occasion certain arguments had been used which were not consistent. He (Mr. G. Butt) was not going to refer to those which he had had the honour of submitting to the House; he readily admitted that the arguments addressed to the House by the right hon. Baronet the Member for Morpeth (Sir G. Grey) were much better than his, and if that right hon. Baronet would restate them now, they would no doubt be sufficient to dispose of the measure before them. Nor would he reply to the observation about the inconsistency of his former remarks, but would address himself to the question before the House. He did not differ much from his hon. and learned Friend as to what the present state of the law really was, although he thought he had a little mistaken the case of "Fox *v.* the Bishop of Chester." That was a question as to whether a presentation where the incumbent was *in extremis* was void or not, and the court of law decided there were such circumstances in the case as brought it within the "*in extremis*" rule; when the case went to the House of Lords, the Judges were called upon to give their opinion, and that opinion was, that there was not sufficient evidence to bear out the proposition. With respect to the law, it might be stated shortly, for he agreed with his hon. and learned Friend that it was not desirable to go back to the conflict between the common law of this country in Roman Catholic times and the canon law, which conflict was a very angry one, as was too frequently the case where ecclesiastical matters were in question. As he understood the law, then, it was this:—They might sell an advowson, which was a freehold interest, and they might sever from it the next presentation, which was a chattel interest; but, before he more particularly referred to the present measure, he would endeavour to remove a fallacy which the hon. and learned Gentleman had introduced into his speech. His hon. and learned Friend had said that this property was of a peculiar kind, and had attached to it certain obligations. No doubt of it; all property had obligations attached to it—some were legal, and others less perfect obligations, but obligations which were not the less binding upon good men. Now, what were the obligations which were attached to this particular property?—and the House would see there was no distinction between an advowson the possessor of which had a right to present every next turn, and the next presentation, which was severed from the advowson,—what then were the obligations? Why, that the person having the right should present a proper man, one who was morally and in other respects qualified to be instituted, to the bishop. That was the obligation, and the law had taken good care it should not be avoided; for when the patron, the owner of the advowson or next presentation, presented the clerk to the bishop, it was the sacred duty of the prelate to inquire into the fitness of the person thus presented. If he found him incompetent on account of age, or on account of defects in his character or in his attainments, the bishop's duty was to reject him. How, then, could they say that, with regard to this particular property, the law had not hedged around it a strong security for the performance of a sacred trust? His hon. and learned Friend had not referred to the power so vested in the bishop, and which was an answer to all the arguments about the sacredness of the obligation and the necessity of taking care that good men were introduced into the Church. He had the same desire as his hon. and learned Friend to see the patronage of the Church rightly applied; they differed only as to the means by which that object was to be attained. It was, he believed, considered by those who in the Church were more inclined towards Rome than others that the present Bill did not go far enough; and they argued in their writings that, unless the hon. and learned Gentleman included advowsons in his Bill, he would do nothing. Some argument had been attempted to be raised with respect to the claim for compensation in this case, which was said to be analogous to that set up on the part of patrons of boroughs disfranchised under the Reform Bill, and the cases of Old Sarum and Gatton were alluded to. Surely they would see that that was a perfect fallacy, and he was surprised that his hon. and learned Friend, with all his acuteness and discrimination, should have been led into it. The right of property in the next presentation to a living was secured by the same law that protected a man's property in a lease of land for years. The owners of estates in Gatton and Old Sarum had no property in the franchise of the voters who resided there. With respect to the Statute of Anne, it was said Parliament interfered in the reign of Queen Anne to prevent clergymen purchasing next presentations; they might take them by will or by gift; they might acquire them by any means except that of purchase; and the hon. and learned Gentleman said, because in the reign of Queen Anne it was thought expedient to provide that persons in a certain position should not acquire particular property by particular means, that that was an argument in favour of preventing everybody from acquiring that property. His hon. and learned Friend had asked him if he concurred in the Statute of Anne. If it were now proposed for the first time, he should say, no; but the law of property was the subject they were now considering, and it was quite clear that both laymen and clergymen might purchase advowsons, and laymen might purchase next presentations; and although by the Statute of Anne clergymen were prevented from purchasing them, they were yet allowed to acquire them by will, gift, or otherwise. But the hon. and learned Gentleman in his Bill had got a second clause, which was not in his Bill of last year, and he asked him what was the meaning of it? He provided, by the first clause, that no layman should hereafter acquire by purchase the next presentation to himself to any living: and, by the second, if he understood it, he said:—

> "That nothing herein contained shall effect any procurement or purchase of, or any agreement to procure or purchase, any such next presentation as aforesaid, or any presentation made in virtue thereof, in any case in which such procurement, purchase, agreement, or presentation, shall have been made, or contracted to be made, for valuable consideration paid or given, or contracted to be paid or given, before the passing of this Act."

Was that, he asked, meant to take out of the operation of the Act all cases where the right to the presentation, severed from the advowson, was now in the hands of laymen? He presumed it was meant that, if a person had already purchased a next presentation, he might sell it. [Mr. R. PHILLIMORE: No, no.] The hon. and learned Gentleman said, no; he asked, then, what was the effect of the clause? But, passing on, he would observe that this had always been established and recognised property, and how would he deal with it? As the law at present stood, next presentations were the subject of settlement and mortgage. He would not enter into the abstract question of whether, if they were now establishing what should be property, how they should deal with this particular matter; but if it was now the subject of settlement and mortgage, and the hon. and learned Gentleman destroyed the property, the creditors would lose their security, and the House would remember it was a security established under the sanction of the law. It might be very well to refer to those advertisements, but it was not the way to argue a question of this kind to import into the consideration of it the mode in which they were bought and sold. They were bought and sold under the law of England, under the same law which enabled persons to buy or sell any other description of property; and whether the auctioneer in putting forth such property for sale used particular terms could not possibly affect the question. He asked the House seriously to consider the proposition, it being clearly an infringement, as his hon. and learned Friend admitted, of the property affected; and he had put the case of creditors who had lent their money upon the security in question. Surely, with respect to them it would be no answer to say it was a pity the law was such as to make that property a security. He would put another case: supposing the owner of a next presentation to become bankrupt or insolvent, by the law of England his assignee was bound to sell the next presentation, and divide the proceeds among his creditors; but what did his hon. and learned Friend do with respect to them? If this measure were to become law, the assignees could do nothing with it; they would be unable to make money of it; and when the church became void, all the right they could exercise was to give away the presentation. He did not think that would be a very desirable state of things, nor did he think it would be very just with reference to those who were actually interested in the proceeds of the property. Again, his hon. and learned Friend had made no provision for the case of executors and administrators, who, by law, took the next presentation, while the heir would take the advowson. The executors and administrators would be bound to sell the next presentation, and the proceeds would go to creditors, legatees, next of kin, &c. But his hon. and learned Friend, by one sweeping measure, disposed of all those rights, and said it was a legitimate thing to ask Parliament so to deal with what had existed as property at all times in this country. His hon. and learned Friend said he was not doing much, he did not deal with advowsons. In the first place, he did deal with them; and in the second, if he did not, on his own principle he ought to do so. All the argument went to show that the evil could not be remedied unless the advowsons were dealt with; and supposing the present Bill should pass, preventing the sale of next presentations, while advowsons could be sold, the supposed mischief would not be guarded against. Now, advowsons contained the right to presentation as it arose, and, of course, if this Bill passed, instead of purchasing the next presentation, the advowson would be purchased; and, after the lapse of some time, the same number of sales would take place, and precisely the same mischief, if mischief it were, would be occasioned as at the present time; and he, therefore, asked whether it was desirable to deal with the matter by a Bill like the present? His hon. and learned Friend made a great many observations upon the enormous sin of simony; but he forgot one thing, and that was, that he assumed the purchases in question were simony, and then he denounced it. The title of the Bill brought in last Session, and introduced again this Session, was "to amend the laws relating to simony"—that was, to facilitate, one would think, the procedure in courts of justice, and to enable them to apply the laws with reference to the offence of simony. But the effect of the present Bill was to create a new offence, making that simony which was not simony before; and if the object of the measure were what it was represented to be by some publications which were understood to be the organs of that section of the Church to which he had referred, then it was idle to say it could be effected by dealing with next presentations alone; they must deal with advowsons also. [Mr. R. PHILLIMORE intimated dissent.] The hon. and learned Gentleman shook his head when he heard that. Perhaps, to use a common phrase, the present measure was considered merely a step in the right direction; but he was inclined to think that what were called steps in the right direction frequently turned out retrograde movements. What did the hon. and learned Gentleman desire to do? If the Bill had any effect at all, it must be to destroy *pro tanto* or entirely lay patronage. The hon. and learned Gentleman said he left property where it was. He (Mr. G. Butt) thought he had shown that he neither left property nor advowsons where they were, and if he did, he did not act upon the principle upon which the Bill was supposed to be framed. He said it was a scandalous thing that next presentations should be sold; but that observation applied equally to the sale of advowsons, and if it were desirable to prevent the sale of next presentations, why was it not so to prevent the sale of advowsons? The advertisements with respect to advowsons would give rise to just as much complaint and just as much eloquent denunciation against the sin of simony as those relating to the sale of next presentations. But why not, if they desired to prevent laymen from acquiring next presentations, try to pass a

Bill which had reference to the advowsons? He supposed his hon. and learned Friend thought it was as well to get the narrow end of the wedge in first, and that he intended, on a future occasion, to bring in a Bill to prevent the sale of advowsons. On the same principle, why did he not bring in a Bill, headed, "To Amend the Laws with respect to Tithes," and provide for taking from lay impropriators the tithes now vested in them? As he said before, there was no difference between tithes, advowsons, and next presentations, considered as property. If the hon. and learned Gentleman did not like to take what was once Church land generally, he might select some old estates taken from the Church, and now held by noblemen and gentlemen on the same title as the property affected by his present Bill. But, speaking seriously, it was an important question to attempt to deal with property of this kind, and if they began, they must go on; indeed he did not doubt the hon. and learned Gentleman knew very well what would be the effect of his own measure, and was perfectly prepared, if this Bill should receive the sanction of Parliament, to bring in a Bill on another occasion which would affect the advowsons, and it was for that reason that they ought to look at the question rather more largely than the hon. and learned Gentleman had done in bringing it before the House. Now, he came to another objection to the Bill, namely, its interference with lay patronage—and he put it to the House whether that patronage was not well administered—better, indeed, than any other Church patronage? Would the hon. and learned Gentleman wish to see it in the Crown? [Mr. R. PHILLIMORE: No, no!] Would he wish to see it in the bishops? His hon. and learned Friend, when the question was asked whether he would wish to see the lay patronage vested in the Crown, said, "No, no!" but he did not say "No, no!" when he inquired whether he wished to see it vested in the bishops!

MR. R. PHILLIMORE: I assure you I have not the slightest wish to see the lay patronage vested either in the Crown or in the bishops.

MR. G. BUTT: Then the hon. and learned Gentleman had given the very best reason why the Bill should be thrown out; for it did affect the lay patronage in the only manner in which that patronage could be affected. If he (Mr. G. Butt) could have thought as the hon. and learned Gentleman did, he would have said that he did object to lay patronage altogether; that it ought to be in those hands directed by the doctrine of the Roman Catholics, the doctrine of the canonists, and which appeared to be the doctrine of that section of the Church with which the hon. and learned Member most sympathised. The hon. and learned Gentleman should say at once what the canonists said in Roman Catholic times, that it was his opinion that laymen ought not to have the patronage of the Church, but that it should be vested in the bishops. The Roman Catholics had tried before to get all this question of presentations left to the Church, but even in Roman Catholic times the people of England did not submit to that domination; they tried by every possible means to get the patronage of livings out of lay hands, and failed; and therefore he asked, was it at the present time desirable to change the law, or was there any reason why they should affect the interests or the feelings of laymen? At present there were nearly two-thirds of the patronage of the livings in England vested in private families, and he asked whether that patronage was not honestly administered? It was for the bishop to take care that the men presented were fit and proper persons, and was not the patronage under such a safeguard likely to be far better exercised than if it were vested in the Crown, to be given as the reward of political partisanship, or as the result of Ministerial favour? He could assure his hon. and learned Friend he had no interest in this matter further than that interest which became him, namely, to watch and see in cases of this kind that the rights of property were not affected by a measure by which no object could be obtained, for he could see nothing in this Bill which could effect any good purpose, and it pointed at changes which it would be most undesirable to make unless a very clear case had been made out calling for interference. One of the gravest of all things they could do was to tamper with well-established rights, and they ought to be exceedingly careful not, on purely speculative reasons, to introduce changes affecting property. With respect to the present Bill, then, he was of opinion there was no case made out for the interference sought, or for any interference of a different nature, which the hon. and learned Gentleman did not dare to trust his hand with at present. On these grounds he asked the House to adopt his Amendment, and to reject the measure.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Sir WILLIAM HEATHCOTE said, he thought that the hon. and learned Gentleman who moved the Amendment, had used arguments which were likely to destroy altogether the right to advowsons and to lay patronage. That hon. and learned Gentleman seemed hardly to be aware that any other question was involved in the measure before the House but a mere question of pounds, shillings, and pence. Now, when public trusts were vested in individuals, not in right of an office, but as attached to property which they held—when the right of exercising that trust was a matter of property—no doubt many of the incidents of property must attach to that right, and amongst them the right of alienation. But the question of the actual exercise of the trust stood upon an entirely different footing; the right to exercise being one thing—the actual exercise being another. The purchase of an advowson was as legitimate a transaction as was the purchase of a freehold, conferring the right to vote; but in the case of an actual vacancy, the law, as it at present stood, would not allow such vacancy to be filled up for money any more than it would allow a vote to be given under the like inducement. Between these two extremes there were different steps, and the question was, when they were approaching that position in the arrangement where the filling up of a vacancy would be part of a corrupt transaction. In the case of a clergyman the law prohibited the purchase of the next presentation, and he could see no reason for applying a different rule to the case of a layman. The hon. and learned Gentleman the Member for Weymouth (Mr. G. Butt) stated that the passing of the present measure would tend to the overthrow of the rights of lay patrons; now he (Sir W. Heathcote) was not greatly interested in that subject, though he happened to be an owner to a small extent of such patronage; but in that position he must confess he could not thank the hon. and learned Gentleman for his interposition, because he would regard that kind of property as much less secure if it could be protected only by the maintenance of an abuse. And on that account it struck him forcibly that the reference made by his hon. and learned Friend (Mr. R. Phillimore) to the case of the boroughs suppressed by the Reform Act, was perfectly appropriate. The hon. and learned Gentleman (Mr. G. Butt) professed not to understand the second clause of the Bill; now, it only provided that bargains or arrangements with respect to any next presentation already effected should be good, but that for the future no such bargains would be sustainable in law. With regard to the question of lay patronage, he believed it exercised a wholesome influence on the Church, in introducing into it the lay element, which was very requisite. And it was, therefore, not with a view of overthrowing that lay element that he supported the Bill, but with a view of making that element felt in a manner less subject to abuse. Much had been said about the power of a bishop to refuse institution to any presentee, as being a check on improper presentations; but the hon. and learned Gentleman must know very well that no bishop would be sustained by a court of law in rejecting a clerk because he merely happened not to be as good and proper appointment as might easily have been made. The negative power resting with a bishop could not prevent the sale of presentation to men all but on their death-bed, in order that another sale might be shortly effected. He hoped that the House would take a wider view of this question than that put forth by the hon. and learned Gentleman, and that, as the guardian of our institutions, by consenting to the second reading of this Bill, it would show itself desirous of making lay proprietors act solely in the capacity of trustees, and not as persons seeking to render the offices of the Church a source of revenue to themselves.

Sir GEORGE GREY said, that although this Bill differed in two material particulars from the Bill proposed on the same subject in the last Session, he could see no ground to induce the House to assent to it. The Bill of last year was retrospective as well as prospective, while the Bill now before the House was only prospective. The Bill of last year was more limited in its operation, because, if he remembered rightly, it did not propose to deprive laymen generally of the power of purchasing next presentations, but only with the intention of subsequently taking holy orders, and of presenting themselves, while the Bill now under discussion proposed to take away from all laymen the right of purchasing next presentations to livings with the view of presenting other persons as incumbents. He fully agreed with the hon. Member for the University of Oxford (Sir W. Heathcote) that this question should not be considered as one of mere pounds, shillings, and pence. There was an important and sacred trust connected with the administration of property of this kind; and persons who possessed such property ought to feel the serious responsibility which attached to them with regard to its disposition. He (Sir G. Grey) thought that some of the scandals which had been referred to, such as the presentation of aged and absolutely incompetent incumbents, might be checked by a proper exercise of authority on the part of the bishops. He could not conceive that a bishop could be compellable by law to present to an incumbency with cure of souls a man to whom he was bound to give leave of non-residence on the next day because he was absolutely incompetent to discharge his duties. Although, however, this question must not be looked at merely as a question of property, it must be remembered that the law of England had, for a great number of years, recognised property of this nature; and he did not think the Legislature should interfere to depreciate such property materially without the certainty of obtaining some decided benefit. Now, his objection to this Bill was, that while it interfered seriously with that property, it would produce no benefit, or, at all events, very slight benefit. His hon. and learned Friend (Mr. R. Phillimore) did not propose to deal at all with the sale of advowsons, but, if he correctly understood the hon. and learned Gentleman's speech, the sale of the advowson would hereafter, as now, carry with it the right to the next presentation. He (Sir G. Grey) hoped the House might be informed whether that supposition was correct or not. He fully concurred with his hon. and learned Friend as to the scandals produced by the advertisements which they too often saw in the public papers, describing the age and infirmities of incumbents as enhancing the value of next presentations or advowsons. Such cases, however, would be left absolutely untouched by this Bill, for the only effect of the measure would be that, if a man in possession of the advowson could not sell the next presentation alone, he would probably be driven to sell the advowson itself. All the scandal would remain, and the only effect would be to depreciate the value of this kind of property. For these reasons, he (Sir G. Grey) considered that the House ought not to assent to this Bill. If the hon. and learned Member for Tavistock (Mr. R. Phillimore) thought his arguments ought to prevail, he should certainly go much further, and prohibit the sale of advowsons, including the next presentations, as well as the sale of next presentations by themselves. He (Sir G. Grey) must say that he did not see the evil of the sale of next presentations. For instance, a man might have a relative or friend who was perfectly competent to discharge the spiritual duties which attached to the possession of a living. He might buy a next presentation, acting under a sense of the most solemn responsibility, with the view of presenting that individual; and he (Sir G. Grey) could not conceive why such a transaction should be denounced as simony. He felt strong objections to the Bill, because he thought it would not prevent the sale of next presentations, but would only render such sales rather more difficult, and would thereby depreciate materially the value of property of that description, without any sufficient reason having been shown for adopting such a measure.

VISCOUNT GODERICH said, he considered that the law with regard to this subject was in a most unsatisfactory and inconsistent state. Two schemes had been proposed with the view of remedying the existing anomalies. The first was contained in the Bill of his hon. and learned Friend the Member for Tavistock (Mr. R. Phillimore) now before the House. The second was a scheme by which it was proposed to remove all restrictions, and to render legal in all cases the sale of presentations. He admitted that this second proposition would remove the inconsistencies of the existing law, and would extend the proprietary rights of the owners of advowsons, but at the same time it would legalise proceedings which appeared to him most objectionable, and calculated to bring scandal and discredit upon the Church of England. The hon. and learned Member for Weymouth (Mr. G. Butt) had passed over this view of the question, but he (Visc. Goderich) was anxious that the House should direct their attention to it, because he believed that the moral and social considerations which it involved were at least as important as the legal considerations, of which so much had been said. The hon. and learned Member for Weymouth appeared unable to understand the feelings of those who supported the Bill of his hon. and learned Friend, and he (Visc. Goderich) was not surprised that the hon. and learned Gentleman should treat this part of the subject lightly, when he found that he was reported to have said on a former occasion, with reference to a Bill similar to the present, that "A man who purchased five years ago the next presentation to a living held it as a chattel interest going to his executors, which they were bound to sell to pay off the debts on the estate, but this Bill would prevent the sale." Now he (Visc. Goderich) would ask the House to consider what it was that the hon. and learned Member for Weymouth described as a chattel interest. It was the right to appoint to a parish a minister of the Church of England, who in that capacity was to take upon himself the important and sacred trust of the care of the spiritual interests of the parishioners. He (Visc. Goderich) wondered whether the hon. and learned Gentleman would be consistent in his theory, and would support the application to his own profession of the principles which he advocated with regard to the Church of England. Mr. Bentham recommended that, under certain conditions, judgeships should be put up for sale. Now, if the hon. and learned Member for Weymouth desired to be consistent, let him recommend the Home Secretary to sell to the highest bidder the right to present to the judgeship which was now so unhappily vacant. It was perfectly well known that in the case of the sales of ecclesiastical presentations no regard whatever was had to the fitness of the purchaser to exercise the trust he bought. The way in which livings were sold was notoriously one injurious to the Church, and offensive to the parishioners. The patron of a living wanted money; he wrote to his solicitor in London directing him to sell the next presentation, and there were brokers in this city whose chief business it was to conduct such sales. The solicitor and the broker met and discussed the age of the incumbent; they counted up his infirmities; they considered his diseases; and they described the pleasant situation of the parsonage house, and the little there was to do. In short, they carefully went into every question except the fitness of the person to be presented for the sacred trust about to be sold. The purchaser made the best bargain he could, and the seller got all the money that it was possible for him to obtain. It seemed to him (Visc. Goderich) that the rights of the parishioners were deeply concerned in these transactions, and that their spiritual interests were in fact the subject of the sale. In cases where the owner of an advowson resided in the parish or its immediate neighbourhood, if he presented to the living an unfit person, the parishioners could bring to bear upon him the direct influence of public opinion; but, if the advowson were purchased by a stranger, living at a distance, the parishioners must be content with such an incumbent as this new patron chose to send, provided he did not appoint a man grossly immoral, palpably incapable, or grievously ignorant. The hon. and learned Member for Weymouth had spoken of the control that could be exercised by the bishop in such cases; but the bishop could only refuse to institute for causes which would empower him to deprive. The purchaser of a presentation or advowson might know nothing, often could know nothing, of the wants or requirements of the parish to which he thus acquired the right to present a clerk; and this part of the question seemed to him (Visc. Goderich) deserving of serious consideration, because the parishioners had no effectual means of preventing the appointment of an unfit person in such cases. He confessed, therefore, that he could not support that method of removing the existing anomalies, which would permit, without restraint, the sale of ecclesiastical patronage, and that he preferred the scheme of his hon. and learned friend the Member for Tavistock. The Bill had been represented as an indirect attack upon the rights of laymen. In supporting the Bill he had no desire to advocate the views of any party in the Church. His simple object was to remove a scandal which affected the Church of England, and the Church of England alone. He trusted that the House would consider that moral and social considerations were entitled to as much weight as the legal questions, on which so much stress had been laid, and he concurred with the hon. Member for the University of Oxford in thinking that the hon. and learned Member for Weymouth had done much more to strike at the root of lay patronage than the hon. and learned Gentleman who had introduced the Bill. If the clauses of the Bill were not perfectly intelligible, let the hon. and learned Member propose to amend them in Committee, and there could be no doubt that every attention would be paid to his suggestions. Believing the Bill to be consistent with the spirit of our laws—believing that it would help to remove great scandals from the Church which now brought discredit on her, and from which other Churches were free—scandals which tended to bring into disrepute the common Christian faith, he would appeal to all those hon. Members who were sincerely interested in the welfare of the Church to support the efforts of the hon. and learned Gentleman in his endeavour to purify her from this grievous stain. He hoped, therefore, that the House would assent to the second reading of the Bill.

MR. NAPIER said, that, having given the Bill the most mature consideration, he had come to the conclusion of supporting the Amendment of the hon. and learned Member for Weymouth. He thought that the best way to view the question was, to consider that it was connected with the most important public trusts in connection with the Church. If he were satisfied that the remedy proposed by this Bill would secure a better exercise of those trusts, he should have been prepared to support it, because property of all kinds ought to be made to answer its true and proper purposes. But he thought that the speech of the noble Lord who had just spoken, and the arguments used by the advocates of the present measure, went directly to show that their great object was to take away all lay patronage. The truth he believed to be this—that, while admitting the existence of great evils in connection with this subject, those who were in favour of a change of the law were endeavouring, by Act of Parliament, and by this Bill, to do that which ought to be accomplished by the system of education in the Universities and the supervision of the bishops themselves. He had remarked more than once in that House that moral evils must be met by moral remedies. The noble Lord said that the bishops had a very limited jurisdiction as regarded this matter. He (Mr. Napier) confessed he was surprised to hear this observation, when it was recollected that the bishops were obliged to make their return as to the competency of persons to be appointed in the Church. They were bound to state whether certain individuals were fit or not for those appointments; but they were not compelled to state their reasons for the opinions they so expressed. Surely, then, it was the bishop's duty to make the necessary inquiries as to the character and fitness of the individual who was seeking to enter into the charge of a cure of souls. Why was the party sent to the bishop at all? Because the bishop was bound to examine into the moral character of the man, and was more or less responsible for his conduct, if he reported favourably of him. In his humble judgment the true remedy for the evils complained of lay in this examination. How were the interests of the bishop or parishioners to be taken care of, if, in place of leaving the appointments dependent upon the examination he had alluded to, they passed a measure of this kind, which would, perhaps, leave the right of presentation in the hands of a needy man, whose only consideration was to obtain as much money as he could by the sale of such presentation? He did not think the Bill would effect the object for which it had been introduced; in fact, he thought it would tend only to multiply the evils that already exist. He would ask the House whether, in the event of this Bill passing, they did not think that there would be many cases of secret bargains which the law would not be able to reach? Were they prepared to void a presentation by force of this Bill, though the man was not a party concerned in the purchase of it? He thought the whole case came to this—that the arguments used in favour of this Bill must apply equally to advowsons. Why did they seek to secure the better exercise of the trust without regarding the spiritual interests of the parishioners? The object which they had in view could only be obtained by a more careful education of young men who were intended for the clerical profession, and by the Crown giving to the country good and godly bishops. He would give his support to the Amendment of the hon. and learned Member for Weymouth.

THE ATTORNEY GENERAL said, he fully appreciated the motives which had induced his hon. and learned Friend to bring forward this Bill, and he certainly would not join in any attack upon him with reference to motives which he did not believe he entertained. On the other hand, he felt himself bound to give his most cordial support to the Amendment of the hon. and learned Member for Weymouth. He fully admitted that the law respecting simony was in an anomalous condition, but it was so because they had sought to reconcile the ecclesiastical doctrine with regard to simony with the recognised right of property in the lay patronage of the Church.

And do what they would the law would still, as long as they sought to reconcile those two inconsistent principles, necessarily be in an anomalous state. If it was proposed to do something towards removing a portion of that anomaly, and they could not remove the whole and reconcile things necessarily inconsistent, before the House was asked to take a step towards altering the existing state of the law, and interfering with the existing rights of property, it ought to be shown that there was some great and glaring evil which called for such intervention. He had heard nothing advanced which to his mind at all made out any such existing evils. It was true they had been told of certain scandals which were occasionally brought upon the Church and the present system of patronage by means of advertisements, but it was quite clear that the scandal would not be in the least removed by the proposed measure. The same advertisements would exist with regard to advowsons as now existed with regard to presentations. The Bill did not propose to get rid of presentations generally; all that it dealt with was next presentations. This would not get rid of the scandal, but would seriously interfere with the rights of property. What was the necessity for so doing? He saw none. The existing state of the law, though anomalous, was by no means mischievous or prejudicial. The right of selling next presentations introduced into the Church a body of useful men, who would not otherwise find their way into it. If the law were altered as proposed, it would restrict the right of patronage to the landed aristocracy of the country; and though he meant not to say that they did not exercise that patronage in a very exemplary manner, they ought not to exclude the mercantile, professional, and commercial portions of the community from introducing their sons into the Church, if they thought proper to do so. By that means a great accession was obtained to the numbers of the working clergy, and these classes ought not to be excluded. The noble Lord (Viscount Goderich) had very strongly urged the rights of parishioners, which he said were interfered with by these simoniacal transactions. But how would they be protected by the Bill? He would be the last man not to give the most anxious and attentive consideration to the interests and feelings of parishioners; but there was no such provision, and it was putting the question on a false and illusory ground to argue it with the view of protecting the rights of parishioners. It was vain to say that the rights or wishes of parishioners were now cared for. On the contrary, had they not seen the most glaring instances in which the rights and feelings, the interests and wishes, of the parishioners, had been most singularly set at nought? Had any of them forgotten an instance in which, when the Bishop of London had thought it necessary to remove a clergyman from his ministry on account of his strange and heterodox doctrines, the same clergyman was forced upon the parishioners of Frome, in spite of their remonstrances, entreaties, and objections? The very effect of this Bill would be to leave the matter in the hands of the would-be vendor—the man who was ready to sell his next presentation to any one who was willing to become a party to a simoniacal contract, who thus showed that he cared nothing for the interests of the parishioners; the Bill would leave it to such a man to appoint whom he liked. Such a Bill would place the law in a still more anomalous position. For what would be the effect? They could not sell the next presentation, but they might sell the next but one; and the result would be that the next presentation would be given by an arrangement between the seller and the purchaser, to some one whose years and infirmities had been most carefully ascertained and weighed, and the following presentation would be sold to the purchaser. That would not be a fraudulent contract under the terms of the Bill. Without in any way removing the scandals that now existed, or the anomalies necessarily inherent in the condition of the law, it would only introduce a mischievous principle by excluding that which was very advantageous, the lay element of the Church, and leading to more dangerous changes and infinite mischief. Therefore the Bill had his most cordial and hearty dissent.

MR. LIDDELL said, that he would not trouble the House with any observations upon the subject, but he was anxious to mention a case that came under his own knowledge, and which was highly creditable to all the parties concerned. The case was one in which the right of presentation to an advowson belonged to a Roman Catholic family. The representatives of that family, not thinking it right to make an appointment in the Church of England, had been in the habit of selling the presentations as they occurred, and in the case to which he now referred, it had been purchased by a gentleman of high honour and character for the sum of 4,000*l.*, for the purpose of presenting it to his son, who had been educated for the Church, and who was a man of equal attainments and character. Where, he would ask, was the mischief of such a transaction as that? Now, in the event of this gentleman's death occurring before the death of the present incumbent, his widow and family would be subjected to much injury if the present measure passed into a law, inasmuch as it would not be in the power of the executors to dispose of the living a second time, even to meet the testamentary dispositions of the deceased, or the wants of his widow and surviving family. This would be a gross act of injustice, which the House ought not to consent to inflict upon a humble individual. He trusted that the Amendment would be agreed to.

MR. WHITESIDE said, he would beg to ask the hon. and learned Member for Tavistock whether his Bill would apply to this case:—Supposing that a father, after the passing of the Act, had purchased the presentation to a living for his son without the knowledge or assent of the latter; and that the son was not only presented, but instituted and inducted into the living, after several years had elapsed: if this case became publicly known, would the present Bill enable the law to turn this clergyman out of the living acquired under such circumstances?

MR. HILDYARD said, he was most warmly attached to the Church, and he should sincerely oppose the Bill before the House. So long as the patronage remained as it was, the Church would never acquire an exclusive character. He believed the interests of the parishioners would be best consulted by throwing out this Bill. Parishioners were most interested in having able men appointed to minister to them; and no one bought a presentation to give it to an old man. This Bill would exclude from the service of the Church a large class who could only get into it by purchase. It was a marked feature of the middle classes in this country, that they allowed their children to choose their own profession; many chose the Church, and they could only obtain a presentation by purchase. Allusion had been made to the sacred character of the trust; but it should be borne in mind that the party presented must be one who had already been admitted to the Church, and who must be approved by the bishop. It had been said that this question had been treated as one of pounds, shillings, and pence; but how could a question of the sanctity of private property be otherwise? He cautioned the House against doing anything which might tend to weaken that right.

MR. AGLIONBY said, he must deny that what was called the sanctity of private property ought to be carried into the affairs of religion. It might be a good principle that the wishes of the parishioners should be consulted; but this Bill did not at all carry out that principle. He knew a case which had occurred in his own parish, where the incumbent, having the next presentation, sold it for the benefit of his family; it was purchased by the father of a young clergyman, who was now most industriously and ably fulfilling the duties of his office. Unless these arrangements were permitted, such persons would never obtain access to the Church.

MR. R. PHILLIMORE said, that the second clause, on which some observations had been made by the right hon. Member for Morpeth (Sir G. Grey), was not intended to apply in the manner suggested, and that if it was liable to be so construed he was quite prepared to alter the manner in which it was worded. With reference to the question of the hon. and learned Member for Enniskillen (Mr. Whiteside), he would state that the Bill would not introduce any new principle on that point. He trusted the House would give a second reading to the Bill, for no answer had been given to the fact that the assembled Judges of the land had pronounced that great simony was committed by the sale of next presentations, and that it was desirable that the evil should be remedied by Parliament. He had no sinister object in introducing the Bill, and belonged to no section or party in the Church, but to the Church of England itself.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 52; Noes 138: Majority 86.

Words *added:* — Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

VESTRIES BILL.

Order for Second Reading read.

MR. EVELYN having *presented* some petitions in favour of this Bill, said, that it was founded upon the common law of the country, and was merely a declaratory measure. The principle for which he contended was, that by the common law the inhabitants of towns had a right to adopt such measures as would tend to secure the common good of the district. Proofs of the right for which he contended were many and various. One of these was mentioned in Coke's "Reports." It was the case of the Chamberlain of London, in the reign of Elizabeth; and according to the judgment in that case the inhabitants of a town might make ordinances and by-laws for the reparation of the church or the highways, or for any such things as were for the good of the public. This right had, however, like many others, been overruled by the construction of various Statutes; and it was the object of the present Bill to enable parishes and towns to exercise the right without let or hindrance. Every part of the machinery of the Bill was consistent with constitutional and statutory precedent. The first clause provided that a vestry, summoned according to law, might appoint a committee for any special object—a practice which had been recognised by Acts of Parliament in the case of the highway board, the inspectors appointed under the Lighting and Watching Act of William IV., and the appointments made for the purposes of the Burial Act of 1852. The Bill further provided that such Committee should be held to be a body corporate for carrying out the special objects of their appointment, to which special objects their functions would be limited. It also secured their responsibility to the vestry, and required them to keep strict accounts, and produce the same to the vestry annually. It would empower the inhabitants of a parish to create for themselves a permanent local committee; and if the measure passed into a law, he believed it would effectually supply a want that was very much felt at the present moment by the towns and parishes generally throughout the country. With regard to the metropolitan parishes he also believed it would effect a great deal of good for them. But on this head he spoke less decidedly. He knew that the Metropolitan Commission of Sewers was independent of the parishes, that it exercised irresponsible power, and had a right to tax the parishes without the authorities of the latter having any control whatever. So, too, in the country towns of England, the Board of Health had power, not only of taxing the inhabitants, but of mortgaging the rates and taxing posterity as well. That Board had been most disastrous in all its undertakings, among which were the drainage and water supply of the metropolis, and the subject of intramural interments. On the latter point an Act was passed in 1850, which had to be repealed in 1852, and it was left for the Government of Lord Derby to settle the questions, both of the water supply of the metropolis and of intramural interments, on sound principles, which had been adopted by the present Government. He protested against the renewal of the Board of Health as a board of works, for in every town in which it had interfered in that capacity its proceedings had been characterised by arbitrary and oppressive conduct. All classes of persons combined in wishing to have more control of their affairs than they at present enjoyed, and this Bill would enable parishes to perform for themselves all such works as were now performed by the Board of Health, except such as required the mortgaging of the rates. He hoped, then, the House would allow the Bill to be read a second time. He had received letters from all parts of the country in its favour. It was founded on the principle of reposing confidence in the good sense and intelligence of Englishmen, and of admitting their competency to manage their own affairs. True, it did not contain any compulsory powers, though he had nothing to urge against such powers. His only object was to prevent an arbitrary and oppressive interference on the part of unconstitutional authorities; and with these views he begged to move that the Bill be read a second time.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. FITZROY said, he had hoped that at least the hon. Gentleman who had just resumed his seat would have made out some case for departing so much from the usual practice, and for giving such large and responsible powers to irresponsible bodies as was proposed by the Bill he held in his hand. The hon. Member, however, had made out no case at all for this measure. So far as he (Mr. Fitzroy) could gather from the observations of the hon. Gentleman, his principal reasons for introducing this Bill were that the Commission of Sewers and the Board of Health were likely soon to close their existence. If that were so, it might or might not be a reason for the adoption of this measure; but he could inform the hon. Gentleman that both these bodies were likely to be renewed. Whether they would be renewed in their present form was another question, but there was no intention that the functions of either of them should expire at the close of the present Session. He (Mr. Fitzroy) should not object to this Bill, as had been anticipated by the hon. Gentleman, that it contained no compulsory powers; but he thought that the circumstances of its introduction showed the inconvenience of introducing Bills involving great interests and important questions such as were dealt with in this measure, without the proposed powers of the Bill being more clearly defined than they had been. Now, what were the provisions of the Bill? The first clause proposed to give to the parish vestry power to appoint a committee, without any qualification whatever—they need not be even a committee of ratepayers—a committee who should be a body corporate (which the vestry that constituted them was not), for the purpose of carrying out any objects confided to it by the vestry, or any purposes which were judged by the vestry to be for the common good of the parish; and, for the purpose of carrying out these objects, this committee was to have the power—though, be it remembered, they themselves were not necessarily ratepayers—of levying a rate on the inhabitants of the said parish, "or of some specified part thereof." Thus, the committee might exempt from the rate any part of the parish they chose, and might levy upon the rest of the parish such rates as they might think fit for the purpose of carrying out the objects of their appointment. These were powers so arbitrary, so extensive, and, as far as he was aware, so unknown to legislation, that he felt convinced the House would not entrust them to the vestry of any parish. With respect to the expense to be incurred in carrying out this Bill, he saw that provision had been made for the auditing of accounts, but no provision had been made for disallowing or disapproving any of those accounts; so that the only advantage gained by auditing them would be the expense of the auditors. A still more extraordinary provision was that these accounts, thus audited, without any power of disallowance, should be printed and distributed through the parish, so that the ratepayers were not to have more control over the matter than the inhabitants of the parish generally. The expense of auditing, printing, and distributing the accounts was to be paid "out of any parish moneys or rate which the vestry may think fit to charge with the same." Thus, having first allowed this irresponsible committee to levy a rate, they were then to have the power of laying this additional expense upon any rate they might think fit for the purpose of carrying out these propositions. But the Bill of the hon. Member went further than this. Under the fifth section it gave to this irresponsible committee—a committee not necessarily of ratepayers—all the judicial powers which were given to justices of the peace under the Removal of Nuisances Act and under the Public Health Act. Consequently, this irresponsible body might summon the owner or occupier of premises to appear before them, might order the removal of the nuisance, and, in default, inflict a fine of 10*s.* for every day such nuisance continued; and the expenses attending the cleansing of such premises might be recovered by this committee from the owner or occupier. At present, again, two justices might certify for the payment from the public rates of the expenses of the officers employed in the execution of this act, and he supposed two members of this irresponsible committee would have the same power. One justice—and therefore one committee-man—might inflict a fine of 5*l.* upon any individual who should violate the general orders of the Board of Health; and the occupier of any premises who should refuse to allow the carrying out of these orders might also be fined 5*l.* a day during his refusal, and in default of payment might be imprisoned for three months. Were these powers which the House of Commons would be prepared to give to a body of gentlemen with no qualification, and with no cause shown whatever? The second clause of the Bill required the churchwardens, upon the requisition of any five inhabitants where the population of the parish was less than 1,000, and of ten inhabitants where the population exceeded 1,000, to summon a vestry, however often, the effect of which could only be to keep up an incessant system of agitation in every parish. He could not believe that the House of Commons would seriously entertain such a Bill as this for one moment, and he should accordingly move that the Bill be read a second time this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day six months."

Mr. W. WILLIAMS said, he had seen many attempts at experimental legislation, but he must confess he never had seen anything to compare with this. [*Cries of* "Withdraw!"] Of course, if the hon. Member were prepared to withdraw the Bill, it would be unnecessary for him to occupy the time of the House in commenting upon it.

MR. EVELYN said, the hon. Gentleman opposite (Mr. Fitzroy) might think he had made out a very conclusive case, but, if he yielded to numbers in withdrawing this Bill, he was not at all convinced by any argument which the hon. Gentleman had adduced. He (Mr. Evelyn) was convinced that the principle upon which the Bill was based was a sound one, and while withdrawing it, he must be allowed to say that he was quite certain that, at some future day, another Bill, drawn up by abler hands, but founded on the same principle of local self-government, would meet with the assent of the House.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

SLIGO ELECTION.

House informed, that the Committee had determined:—

"That John Sadleir, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Sligo.

And the said determination was ordered to be entered in the Journals of this House.

House further informed, that the Committee had agreed to the following Resolution:—

"That Alexander Slater was bribed by Henry Simpson with 25*l.*, to refrain from giving his vote to John Patrick Somers, esquire, at the last election, which sum he afterwards gave up:

"That James Ker was bribed, through his wife, by Henry Simpson, with 25*l.*, to vote for John Sadleir, esquire, or not to vote at all at the last Election, which sum she afterwards returned:

"That Samuel Gilmour was bribed with 30*l.* by Henry Owen O'Connor, since deceased, to refrain from giving his vote to John Patrick Somers, esquire, at the last Election:

"That it has not been proved that the aforesaid acts of bribery were committed with the knowledge or consent of the said John Sadleir, esquire, or his agents."

Report to lie on the table.

PAYMENT OF WAGES (HOSIERY) BILL.

Order for Second Reading read.

SIR HENRY HALFORD, in rising to move the second reading of this Bill, said, the subject was not new to the House, but he thought he was not open to any reproach of undue pertinacity in returning to it. The present Bill was free from the chief objections which were made to that introduced last year, and he thought, moreover, he should be inexcusable were he not to refer again to this subject in consideration of the vote of the House last week, which sanctioned the law for the prohibition of the payment of wages in goods. The object of that Bill was to put a stop to the truck system by more effectual penalties, and his object in bringing forward the present measure was to bring within the operation of the same law other malpractices which also affected the payment of wages, and which were, unfortunately, now beyond the operation of the law, in consequence of a defect in the construction of existing Acts of Parliament. He stood here as the humble advocate of the framework knitters of the Midland counties—a numerous class of men, whose distress might be said to have been proverbial—a distress long continued, and which was not to be referred to any inevitable causes, but such as were assuredly, as he thought, within the reach of legislation. Their state could not be considered as a transition state, or as one which had been produced by circumstances likely to pass away. It had, in fact, been a transition from bad to worse for a period of between thirty and forty years; and now, he thought, it was high time the evil complained of should be corrected. The nature of the manufacture was such that it was carried on to a very considerable extent in the houses of the workmen and in the shops of contractors. It required the use of a frame, which was a handloom—a machine of no great value, and which might be purchased, for the most part, for from 3*l.* to 4*l.*; such a sum, in fact, as might be supposed to place it within the reach of the workman himself. This machine, nevertheless, was never the property of the workman, but was the property of his employers or their agents, by whom it was the practice to charge a profit rent for its hire, which was deducted from the wages of the workmen—a rent of an excessive amount, and varying in different districts. Some years ago there had been a Commission appointed by that House to inquire into the condition of these workmen, and the result of that inquiry showed that this practice of paying wages by the hire of a machine at an excessive charge was characterised by all the evils of the truck system; that is to say, that the price charged was arbitrary and excessive. The Report of the Commissioners stated as follows:—

> "The evidence both of masters and men is perfectly conclusive and coincident on one point, namely, that the amount of this deduction is regulated by no fixed rule or principle whatever; that it is not dependent on the value of the frame —upon the amount of money earned in it, or on the extent of the work made; that it has differed in amount at different times, and now does so in different places."

The charge made for the rent of the frame was, indeed, exorbitant. It was stated in the evidence to average, along with other charges, 30 or 40 per cent on the earnings of the workmen, while in many instances it vastly exceeded even that amount. He had in his possession a number of cases showing the rent of the frame, which had been forwarded to him lately. He would not weary the House with more than one of them, which might indeed be an extreme case, but from which the House would understand the nature of the exaction. The letter he was about to read was from a poor man whose name he would not mention. The writer said:—

> "I hold five frames, for which I pay weekly 7*s*. 6*d*. If the frames were sold by auction at the present time, they would not realise more than 18*l*. or 20*l*. at the furthest, and yet I have the sum of 19*l*. 10*s*. a year forcibly taken from my earnings in the shape of frame rent. On the 8th of this month I took in work to the gross amount of 1*l*. 14*s*., from which 15*s*. was deducted for rent, 6*s*. of which was taken for two frames which were standing still. One of the two is worn down and wants repairing."

This impost was not only levied when work was plentiful, but when it was scanty; rent was charged for the frames while they were standing idle, as well as for those which were at work, and whether the workman was sick or whether he was well, he had a rent to pay for his frames. The whole grievance appeared so striking an one to the Commissioner appointed to inquire into the condition of the framework knitters, and so closely analogous to the truck system, not only within the spirit, but within the letter of the law, that, at his suggestion, steps were taken to bring the matter before a legal tribunal. The case came ultimately before Lord Denman and the Court of Queen's Bench. Unfortunately, upon a technical construction of the law, the practice was justified, and in consequence of this decision it had gone on in an aggravated form ever since. Although, however, the judgment of Lord Denman was conclusive with regard to the letter, it was not so as to the spirit of the law. There could be no question whatever but that the practice was entirely in contravention of the spirit of the existing law. It presented all the evils of the truck system—not only cases of individual oppression and injustice as regarded the workmen, but it was productive of a constant depression of wages, because it must be evident that, where these practices prevailed, those who were the parties to such practices were enabled to undersell the fair manufacturer, who, at first, perhaps, hardly aware why he was undersold, was compelled at last, if he wished to keep his place in the market, to reduce his own wages. This was the cause of the great depression and misery which had attended the workmen engaged in this manufacture. But, besides the evils which it possessed in common with the truck system, this practice was attended by other evils peculiarly its own. It became the interest of those who had frames, to spread the work over as large a number of workmen as possible. On this subject he had received a letter—and he was proud of his correspondent—from a working man of no ordinarily cultivated mind. The writer, who was the author of some literary productions which had obtained great praise from better qualified judges than he (Sir H. Halford), said:—

> "Under the old system it is the interest of the middleman to employ as many frames as possible on a given quantity of work. He holds, say twelve frames belonging to the manufacturer, for which he pays from 1*s*. 3*d*. to 2*s*. rent, according to their width. For these he gets full work from the warehouse, charging the workmen from 3*s*. 6*d*. to 5*s*. weekly, according to width. That is heavy enough; but we should not grumble, could we have the full allowance of work given out from the warehouse. This, however, is far from being the case. Besides his own frames he rents 'independents,' at 9*d*. or 1*s*. a week, making together an addition of nine or ten frames, all put on the work which the twelve warehouse frames ought to have to do, thus reducing the workmen to little more than half employment, still taking full charges, the amount stated above. Hence, the slowest hands, the idlest, and the most profligate are employed by the middlemen in preference to the steady and industrious, the latter being the more troublesome from the dissatisfaction they show on account of the injustice of the system and the poverty and hardship it entails upon themselves and their families. Out of many other modes of exaction I will only name one, which, in addition to the above heavy charges, is very cruel; though, to do them justice, it is not practised by

> all. It is simply stinting the quickest workmen to six or eight shillings' worth of work a week less than they can do, unless they agree to pay twopence out of every shilling they earn above the 'stint.'"

Now, what was the remedy for these evils? He had on a former occasion understood the hon. Member for Montrose (Mr. Hume) to say, that the remedy was to be obtained by combinations or strikes on the part of the workmen; but that was an opinion which could hardly be confirmed, for it was generally admitted that the practice of assembling, among workpeople, had not proved desirable or advantageous. A far better remedy would be found in the re-arrangement and improvement of the law. A most important witness on this subject stated, in his examination before the Commissioner, that—

> "Just in proportion as I feel confident that strikes do harm and secret combinations are wicked, do I feel the importance of giving timely heed to the representations of bodies of men who think themselves injured or feel themselves miserable and depressed."

The object of the Bill which he now asked the House to read a second time was to give that heed, timely he could not call it, but most requisite. There was no new principle in the Bill, and he believed that it would be beneficial in various ways. It would enable workmen to possess their own frames, which would be a great step towards independence, and where such was not the case the market would be opened, and the workman would be enabled to hire his frame at the cheapest rate, subject to the natural law of supply and demand. He would venture to say, that the Bill was universally desired by the workmen, and in support of that opinion he could refer to the number of petitions presented during the last and the present Session of Parliament in its favour. Last year petitions in its favour were presented, signed by upwards of 30,000 persons; and the number of those who had signed petitions presented this Session amounted to 7,000. It was also a measure desired by many of the manufacturers themselves. Some of the manufacturers of Leicester who had last year entertained objections to such a proposal, now, he understood, had waved those objections. From Nottingham there had indeed been repeated the same objections as before; and in the first place the Bill had been deprecated as an interference with the freedom of trade. This seemed to him a very extraordinary view of freedom of trade. He had heard of a citizen of one of the Slave States of America, who made it his boast that he lived in a land of liberty, where every man might thrash his own nigger! Very similar to this appeared the notion these Nottingham gentlemen entertained of freedom of trade. For his own part, he could not understand that species of freedom which restricted the workman from going where he pleased, either to purchase his food or to hire his machine. He would not enter into the other objections, further than to say that they were founded upon what appeared to him to be gratuitous assertions. He thought that from the evidence of the Commissioner, and from the notorious facts of the case, the prices charged for the hire of frames were arbitrary and capricious to the last degree. An objection has been urged against the present proposal in that House, that it would be found impossible to prevent the practice of frame-hiring, but there was abundant evidence that no such impossibility existed. The truck system in provisions, which was entirely analogous, had been materially checked, although, indeed, it was remarked that a still more efficient law on that subject was required. He was no scorner of what was called the science of political economy, but if he understood that science aright, it rested for its foundation on the necessity of leaving the natural laws which regulated matters of trade, and which could not be interfered with without mischief, to their free operation. But it was a mistake, he thought, to suppose these laws were only capable of being interfered with by legislation. They were liable to be disturbed and impeded by vicious customs and practices; and when this was the case, it became the proper duty and office of legislation to correct and abate those customs and practices by positive law; and for such law he believed there was an imperative necessity in the present instance. He should be sorry that any one should understand him to reflect in any way upon the conduct of the manufacturers as a general body, for he believed that very many of them were just and honourable men; but even on their behalf it was necessary to put a stop to the rapacity of some, to prevent the whole body incurring undue reproach. He asked the House to allow of the second reading of this Bill for the sake of promoting equal justice between man and man, and also upon broad principles of general policy, which in fact were no other than those of justice, as applied to large classes of the community.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

SIR WILLIAM CLAY said, he rose to move that the Bill be read a second time that day six months. So far from its being productive of any benefit to those for whose advantage it professed to be designed, it would, on the contrary, be injurious in its effect, by raising in their minds expectations which could never be realised. The Bill was one to interfere between the master and the workman in the hosiery trade, to prevent their entering into engagements which they themselves considered mutually convenient or advantageous. The policy embodied in the Bill was essentially retrograde. It partook of the spirit of an age in which the Statute-book was encumbered with numberless contrivances for regulating the proceedings of individuals between each other, although experience had proved that every successive abrogation of such Statutes had been accompanied by an advance of civilisation and by an increase of national prosperity. He had thought that by this time the legitimate province of legislation was understood—that it was agreed on all hands what were the cases in which it was useful for the Legislature to interfere in the proceedings of individuals. The law had power to enforce a contract when made, but it could not decide what were the best contracts for a man to enter into. The Bill of the hon. Gentleman was in direct opposition to that principle, for it proposed to prevent certain compacts or agreements being entered into between workmen and their employers. The system at present in operation in the district to which the Bill applied was in accordance with the principles of political economy, for it was agreeable to those principles that the capital and machinery should be provided by the employer of labour, rather than by the labourer. But, if that were so, what was the difference between machinery collected in one building or scattered through several dwellings? The hon. Baronet had said, however, that although the system was not wrong in theory, it was made injurious by the method in which it was worked; but surely that was a very superficial way of looking at the subject. The only circumstance which could give a master power over his workmen so as to compel them to accept terms disadvantageous to themselves would be when the labour-market was overstocked with hands. When the supply of labour exceeded the demand, of course the workman did not command such good wages as he would if the contrary were the case, and no law could be passed which could alter that state of things. At the present moment, a proposal like the present was peculiarly unnecessary, because the labour-market was lightening itself by emigration, and in a short time all the workmen would be well able to take care of themselves. He thought also that the machinery of the Bill was as objectionable as the principle of it, and that if it passed into law it would become a mere dead letter. The first clause of this Bill provided that—

> "From and after the passing of this Act, all contracts for labour in the said hosiery manufacture shall be made at neat rates for wages for labour to be performed, free from any deduction or stoppage on account of the use of any frame or machine, its standing, or any charges on any pretext whatever, and the said wages so contracted for shall be paid in full, in the current coin of the realm, and not otherwise."

Such a provision as that was easily evaded; for a master might pay his workmen the full amount of his wages in coin, and require the workmen immediately to go into an adjoining room, and pay a certain amount for the rent of a frame, so that the wording of the Act would be complied with, but the intention of it entirely frustrated. With regard to the second clause in the Bill, the effect of it would be to inflict a penalty upon men of mature age for entering into a contract which they considered mutually advantageous. He considered that the Bill, both in its principle and in its machinery, was one of the most objectionable measures which he had ever seen introduced into that House. He understood that the Government intended to permit the Bill to be read a second time, that it might afterwards be sent before a Select Committee; but he did not see any necessity for further inquiry. He hoped that the House would not sanction a measure so vicious in its principle, and which must prove so inefficient in its operation.

MR. WILKINSON seconded the Amendment. He said, he had the same view as the hon. Baronet—the improvement of the working classes; but most sincerely, on the part of those classes, he objected to this Bill. His object was to raise the wages of labour; that was the object of all political economists; and it was for the purpose of raising the standard of comfort of the labouring classes that he should give the Bill his strenuous opposition. It was diametrically opposed to the sound principles of political economy, as enunciated by M'Culloch, Ricardo, and others. It was impossible to raise the rate of wages by legislation, and the Bill would divert the attention of the working classes from the real remedy of the evil under which they laboured, that remedy being a better knowledge of their own position, and the practice of abstinence, prudence, and forethought. It was said that the stocking knitters were the slaves of their masters, but there was nothing to prevent them from going where they could obtain higher wages, and the only law to which they were subject was the law of their circumstances, which it would be only deluding them to tell them could be altered by legislation.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR JOSHUA WALMSLEY said, he supported the Bill with the view of sending it before a Select Committee; and after the statements made by the hon. Baronet who introduced it, he thought it was absolutely necessary for eliciting the truth, and removing, if they existed, the abuses which had been set forth. In fact, no one had attempted to deny them. The hon. Member for the Tower Hamlets (Sir W. Clay) who had moved the Amendment to put an end to all inquiry, had simply intimated that it was adverse to political economy, and inconsistent with free trade. He (Sir J. Walmsley) was sorry to learn that inquiry into the complaints of the industrial classes could be so construed. The hon. Member had, however, shown that he did not understand the question at issue, and he (Sir J. Walmsley) hoped the House, instead of rejecting the measure, would send it to a Committee, as they did the Anti-Truck Bill last week. This measure was in fact part and parcel of the truck question, but it was truck in its most obnoxious form. In other trades to which truck was said specially to apply, the money did find its way into the hands of the men, and they had the "seeming" opportunity to disburse it as they pleased; not so with this; the men had no such opportunity. The money never found its way into their hands, nor had they what they thought a fair opportunity of obtaining value for their money. In many cases, the interest demanded and obtained on frame-rents amounted to as much as 20 to 40 per cent per annum. The hon. Member for the Tower Hamlets had said it was an attempt on the part of the men to dictate to the masters. The men totally disclaimed any such intention. The hon. Member might with equal correctness have said, it was an attempt to dictate to the men on the part of the masters. The hon. Member said it was opposed to the principles of free trade and political economy, and was supported in that view by the hon. Member who seconded his Amendment. He (Sir J. Walmsley) was as decided a supporter of those principles as either of the hon. Gentlemen, but he desired to apply them generally, and to all cases, not to such particular and special cases as might suit individual views. It unfortunately happened when the interests of the workman were concerned, or when injurious customs were shown and admitted, we were not to inquire into them because it was said to be adverse to the abstract principles of political economy. Such views were calculated to bring political economy to a discount amongst the producing classes, nor were they correct in the present case. There was no free trade as respects frame-rents; the men must take them from those who can give the work, and upon their own terms. The landed gentlemen had been twitted with having formerly kept a great truck shop, in the shape of a monopoly on corn, but they had to their credit abandoned it, and were now endeavouring to carry out that which had been promised, years gone by, that when the "Great Truck" was abolished, all the "little trucks" would follow, and the producing classes were anxiously looking for the realisation of that promise. He had received numerous letters from both the operatives and the employers with respect to this Bill, and both appeared to desire that the question should be permanently settled. Both admitted the evils of the custom which had grown up, but he was bound to say they did not equally agree as to the remedy; for his own part he did not take up the question in the spirit of a partisan, but with a sincere desire to produce a better state of things than he believed now existed. It was due to the operatives to state, that so far from desiring to dictate, they approached the subject with much hesitation, but were compelled by what they believed to be the justice of their case, and their absolute necessities. They disclaimed now, as they had done previously, any intention to interfere with the rates of wages, further than their own rights justified. They were willing to submit even to lower wages if needs be; but they desired those wages, whatever the rate might be, should be paid in full, and in the coin of the realm without stoppages. He would not trouble the House with the communications to which he referred from the operatives, but it would be desirable that he should read one or two letters from masters. Some of them had long worked at net wages, and others were now desirous of doing so, but they thought it desirable all should be placed on the same equality. Many of the masters were most anxious to relieve themselves and their men from the alienation which was unfortunately too rife in this trade, and he felt persuaded that it was for the permanent interests of all that this question should be set at rest. The first letter he would read was from Messrs. Preston and Co., a firm of great respectability, who had given to the new system a fair trial and had found it to answer the most sanguine expectations:—

"Humberstone Road, Leicester,
"March 20, 1854.

"To Sir J. Walmsley, M.P.

"Dear Sir,—In looking over the Bill now before Parliament, 'To Restrain Stoppages from Payment of Wages in the Hosiery Manufacture,' I am much pleased with its simplicity, and think it quite an improvement on the Bill of last year; and it is my earnest wish that you will be able to bring it to a successful issue.

"In my humble opinion, the provisions of the Bill may be carried out to the satisfaction of all parties; and as far as my knowledge extends, it will not be detrimental to any one. I have nothing new to add about the working of a system of paying wages without stoppages (a system which we have adopted now for eight years), excepting that, through the severe winter that we have just passed through, several of our workpeople have been short of work; but we have no complaining or disputes at the pay table about how much *rent* shall be paid for a small amount of work, every man knowing that if he earns but one shilling, he will receive it in full in the current coin of the realm.

"Wishing you success in this and every other attempt to improve the condition of the working classes,—I remain, dear Sir, yours obediently,

"Samuel Brown,
"Superintendent of
"Messrs. W. Preston and Co's. factory."

The next and only other letter with which he would trouble the House, although he had many, was from an eminent manufacturer in the borough he had the honour to represent; and as this gentleman had proved both plans—the stoppages and net wages system—his opinions would be useful in arriving at a correct conclusion:—

"Leicester, March 14, 1854.

"My dear Sir,—There can be little doubt of the assent of the House to the proposal of referring the present Bill to a Committee; and although, as a principle, I deprecate legislation for trade, yet as I feel certain the system of net contracts will never be voluntarily entered into by the manufacturers, and as I believe that the adoption of net contracts between employers and employed, will remove at once the fertile source of that feeling of alienation which has so long existed between masters and men, I shall be glad to see a Statute preventing abuses from being perpetrated which are at war with justice and equity.

"The Bill of last year was a complicated affair: it affected every trade in the country, and would have been inoperative against the evil it was intended to remove. This Bill is clear, simple, and comprehensive, and will be an effectual and practical remedy. Should the Bill be referred to Committee, I shall be happy to afford any information in my power.—I am, &c.

Hon. Members required the name, he had no objection to give it, in fact, he thanked the House for demanding it. It was from the brother of the hon. Member for Newport, John Biggs, and he knew no man more capable of forming a sound judgment upon this much-vexed question. As this Bill was likely to be sent to a Select Committee, and as the interests of all would be there fairly considered, he would not detain the House by further statements, but merely content himself with expressing the belief that such a course was due to all parties concerned, and likely to lead to a permanent settlement of the question.

Sir GEORGE STRICKLAND said, that he had opposed those who pushed to an undue extent the general principle that Parliament should not interfere with the concerns of the employer and the employed in the case of women and children engaged in factories, because these persons, from their helpless position, were unable to make a contract upon equal terms with their masters, and ought to be treated in an analogous manner to minors and wards of the Court of Chancery, who could not protect themselves. The present case, however, was a totally different one, and one in which the general principle of non-interference with the operations of trade and employment ought to be allowed to take its effect, because the stocking workers were full-grown men and adults, who perfectly understood their own interests and their own business, and were quite capable of protecting themselves against the masters. He, therefore, thought that the Bill, although introduced from a humane motive, would only inflict injury upon those whom it was designed to serve.

Mr. PACKE said, that with respect to the case now brought under the notice of the House, there did not exist an equality of agreement between the masters and the workmen; for the latter, according to the Report of the Commission of Inquiry, were completely tied down, and were unable to make a free bargain with the masters. The fact was, that the workmen were obliged to pay whatever frame-rent was fixed on, however exorbitant, or they would get no work at all, and must starve. It was known that these frames were, in many instances, not the property of the masters, but of persons in no way connected with the trade, such as butchers and gentlemen's servants, who let them to the hosiers; the latter let them to middlemen, and the workmen, after paying enormous frame-rents, did not get more than 5*s.* or 6*s.* a week. The hon. Member for Lambeth (Mr. Wilkinson) said he should like to see the workmen get higher wages; then he should support the present Bill, which would accomplish that object, by enabling the men to have frames of their own. The hon. Member for Preston (Sir G. Strickland) should also, in accordance with his own argument, support the Bill, as these workmen, though grown up, were not in a condition to make bargains. They must either submit to the existing practice or starve. It was for these reasons that he should vote for the second reading.

Mr. T. DUNCOMBE said, he wished to know whether, as had been hinted, the Government were in favour of referring the present Bill to a Committee? If such an inclination were announced by the Government, the time of the House might, perhaps, be spared in respect to the discussion of the question. If ever there was a matter requiring to be sent before a Select Committee it was the present, particularly after the speech of the hon. Member for the Tower Hamlets (Sir W. Clay), who, however good might be his political economy, had shown that his practical knowledge of the present question was very bad. The hon. Member talked as if all the knitting frames belonged to the masters, but the fact was, only about one-fifth belonged to the persons who employed the knitters, and in many cases they belonged to middlemen, to gentlemen's servants, and to different persons who speculated in them, and frequently almost the whole earnings of the workpeople were swallowed up by those persons. He conceived that the hon. Baronet (Sir H. Halford) deserved the thanks of the House for exposing a system fraught with fraud and oppression to the framework knitter, and he was glad to hear that the Government intended to support the second reading, and to let the Bill go to a Committee.

Mr. FITZROY said, he had stated on a former occasion, when the present Bill was introduced, that it was the intention of the noble Lord the Home Secretary to permit the Bill to be read a second time, with a view to its being referred to the Committee on the Truck System. Without entering into the merits of the Bill, he thought he should not do right if he left the House to imagine that this course was adopted on account of any notion on the noble Lord's part that the Bill would be beneficial in its results, or on account of any inclination to interfere between labourers and their employers. But, as a Committee had been appointed on an analogous subject—the truck system—the noble Lord thought it desirable, in deference to the large number of Gentlemen who last year advocated the introduction of such a measure (there having been 125 Members of the House in favour of the second reading), and partly, perhaps, to disabuse the minds of the workpeople themselves with reference to the effect of any legislation in these matters, and, also, to put the House in possession of as much information as possible on the subject, to support the second reading in order to send the Bill to the Committee upstairs. He regretted to say that his noble Friend the Home Secretary was unable to attend in consequence of indisposition, otherwise he would have made the above statement himself.

Mr. LABOUCHERE said, he felt compelled by a sense of duty to express his regret at the course which the hon. Gentleman (Mr. Fitzroy) had announced on the part of the Government. If he could believe that that course would have the effect of disabusing the minds of the persons most interested in this measure—the working people—of any false hopes that the Legislature could do anything to benefit them in this matter, he should entirely agree in the propriety of sending the Bill to a Committee; but he was afraid that the effect of doing so would only be to excite expectations which must be disappointed. He had listened attentively to the debate, and was entirely at a loss to discover any reason which should induce the House to take a different course with respect to this Bill from that which it pursued last year, and to sanction the principle of the present measure, as it did when it gave to it a second reading. Any attempt on the part of that House to interfere between the employer and the employed was, in his mind, fraught with delusion. He was ready to do justice to the motives and intentions of the supporters of the present measure, and he was sorry to hear from the hon. Baronet who introduced it that this particular class of operatives were now in a state of peculiar distress. He remembered, a year or two ago, during discussions on agricultural subjects, hearing from the hon. Baronet a frank admission, which he thought did that hon. Gentleman, as a Protectionist, great credit, that this class of operatives had never been, to his knowledge, in so good a condition as since the Corn Laws were repealed, and therefore he would be no party to the reimposition of those laws. He (Mr. Labouchere) hoped, then, that he laboured under some misconception when he imagined that the hon. Baronet now said that an alteration had taken place in the condition of those persons, whom he believed to be deserving of the sympathy of that House and of the country. After listening to the debate, he was more and more satisfied that legislation of this description could never answer any useful purpose. The hon. Member for Finsbury (Mr. T. Duncombe) had said that it was a mistake to suppose that, in the majority of instances, it was the master hosier who made this demand on account of frame-rent; that demand was made by other persons not connected with him. If that were so, of what possible use could be the present Bill, the object of which was to prohibit the master hosier from making the deduction? On the other hand, if it was the master hosier who made the demand, he could always defeat such legislation as that now recommended by simply paying his men their full wages with one hand, and receiving a deduction with the other in an adjoining room. The truth was, that, let the House do what it would, if the workmen were in such a state of thraldom as to be entirely in the hands of their employers, they must submit to unjust restrictions. His desire was to see the workmen of this country, as a body, in a condition to be able to receive good wages for their work, not as a matter of kindness or favour, but because their labour was worth the money in the market; and when such was the case, the labouring classes of this country were in a proper condition. That result, however, could not be attained by minute legislation entering into the details of every trade, which would only raise hopes never to be satisfied. If the House divided, he should certainly give his vote against the second reading of the Bill. As to referring the Bill to a Select Committee, that appeared to him a most extraordinary course. There was really nothing in the Bill to refer, and, if the principle were sanctioned, there was no reason why the Bill should not be discussed in a Committee of the House. The whole matter had already been thoroughly inquired into; and the House never had sanctioned, and he hoped, for the sake of the working classes, never would sanction, the principle of such a measure. He should rejoice if the House rejected the second reading.

SIR HENRY HALFORD said, he certainly had anticipated last year that the trade was in some degree reviving, but he was afraid he could not say the same thing now. He did not mean to say that the workmen at this moment were in a state of peculiar distress, but he was afraid they were not so well off as they had been, and that trade was again relapsing into its former state, and he thought the best way of supporting it was by passing this Bill, therefore he believed the opposition to the Bill arose from a misconception of the nature of the practice. It was said, that the depression amongst the workmen was caused by the relative state of the supply and demand for labour, but the extra supply of labour was caused by this practice, because it was the interest of the letters-out of frames to spread the work over as large a number of workmen as they possibly could. That was acknowledged at the conclusion of the Commissioners' Report, whose observation was to the effect that labour was powerfully influenced by the exorbitant rent demanded for these frames, because it gave to those who had the letting out of them an inducement to spread them over the greatest number of workmen possible.

MR. BOUVERIE said, it had been distinctly stated by the hon. Member for South Leicestershire (Mr. Packe), that the object of the Bill was to establish a higher rate of wages, and it certainly was the first time that the Government of the country was found lending its aid to the delusion that Parliament, by any Bill it could pass, could raise the rate of wages. The fact was, that that class of persons was allowed a nominal rate of wages greatly higher than the wages they were actually receiving. What was called their wages was not their real wages, but their wages less the payment for the tools, which belonged to some other person. It was just as reasonable to argue that they must hold their houses rent free, because they were not earning wages. Whether they were earning wages or not they must pay their rent; and how could it be argued that, because they were not always earning the same wages, they were not to give a remuneration to the owners of those machines that they hired? It was alleged that those machines were the property of the masters, and that they used them to grind down the labourer; but it appeared that in the majority of cases the owners of those machines were independent persons, and if the House should deprive them of the remuneration they claimed, they would take care those workmen should have no machines at all. This Bill and the Bill in reference to the truck system were totally distinct. The law said that wages must be paid in money, and that no evasion of the law should be permitted; but here they were proposing to say, not that wages should be paid in money, but that men should receive more wages than they really earned; and on that ground he should oppose the Bill.

Mr. PACKE said, he must beg to explain the observation from which it was inferred by the hon. Gentleman (Mr. Bouverie), that the Bill was supported because it would establish a higher rate of wages. What was said was, that the hon. Member for Lambeth (Mr. Wilkinson), having stated that he had always been trying to establish a higher rate of wages, should vote for the Bill.

Mr. COBBETT said, he fully concurred in all that had been said by the hon. Baronet who had brought this question forward, whom he thanked for the endeavours he had made to benefit the working classes; he was fully persuaded that the Bill ought to be sent before a Committee. The Report of the Commission of 1844 showed that the question demanded the serious attention of the Legislature, and bore out the statements of the hon. Baronet with regard to the manner in which these people were deprived of their earnings, to which circumstance the Commissioner attributed the deplorable condition in which they were placed. It was shown that they could not send their children to school, and that they were ashamed to appear in church, because they did not possess sufficient clothing. He did not say that the Bill would do all that was required, but he did not think it would raise false hopes in the minds of the men, because he knew from some of their own statements that they only hoped it might lead to some alteration in the mode of carrying on the trade. He had been furnished with several instances which showed that the present condition of the men was quite as bad as it was at the time the Report of the Commission was issued; but he would only mention one case, in which the rent and other expenses of a man upon an average of nine weeks amounted to 2*s.* 4*d.* per week, while his average net wages during the same period amounted only to 2*s.* 5*d.*

Mr. GARDNER said, he thought such abuses as these could not be remedied by Acts of Parliament; but if they legislated at all, they ought to enact that there should be an increase in the demand for hosiery and a decrease in the number of people who were competing for employment. He should not, however, in consideration of the opinions entertained by many of his constituents, resist the proposition of the Government.

Mr. BARROW said, he was opposed to the Bill, because he thought it would materially injure the parties interested. He believed that all legislation between employers and employed, where the employer as well as the employed were of sound mind and of adult age, was mischievous.

Mr. BASS said, he had been well acquainted with these people for thirty-five years, and they had been in a state of distress during the whole of that time, because, in fact, there were more of them than there was employment for. The best thing they could do would be to change their occupation.

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 120 ; Noes 73 : Majority 47.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* to a Select Committee.

The House adjourned at thirteen minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 23, 1854.

MINUTES.] PUBLIC BILLS.—1ª Church Building Acts Amendment.

Reported.—Highways (South Wales); Registration of Bills of Sale.

ROYAL ASSENT.—Consolidated Fund; Exchequer Bills (£8,000,000); Coasting Trade; Mutiny; Marine Mutiny.

FRAUD ON THE COMMISSARIAT—THE HAY CONTRACT.

In answer to a question of the Earl of ELLENBOROUGH, the Duke of NEWCASTLE corrected his statement as to the parties who had delivered the hay which had been so much complained of.

LORD CAMPBELL: I am not acquainted with the merits, or demerits, I should say, of this case. It seems a very gross one; but, for the credit of the law of England, I should be very sorry if such conduct could not be made the subject of criminal prosecution. I have no doubt that, by the common law of England, these persons are liable to be prosecuted, and on conviction to be severely punished. There was a case tried before me respecting the monument to Lord Nelson, in connection with which a gross fraud was committed in the metal employed. Those persons were prosecuted; they were tried before me, and I sentenced them to three months' imprisonment; and a much more severe punishment awaits those convicted of the infamous conduct which has been imputed to Mr. Sturgeon, of which, as yet, he must be supposed to be innocent. Upon his conviction, I say he would merit most condign punishment.

LORD BROUGHAM: I am extremely glad to hear that my noble and learned Friend has come to the conclusion that such an offence is punishable by the law as it now stands, for it is infinitely to be preferred that we should proceed on the law as it now is, rather than make a new law with reference to that particular case. I am exceedingly happy to find that my noble Friend has, I presume on due consideration of the whole matter, come to that conclusion—in which, however, he differs, I am sorry to say, from other learned Friends of mine, who have well considered the matter, and come to the conclusion that it is extremely doubtful whether the individual is liable to punishment. This only shows how extremely inconvenient it is that this House—the Court of criminal review in the last resort—should be on any account, or under any circumstances whatever, drawn into a discussion of even a hypothetical case, respecting a case which may afterwards come before us in our judicial capacity. My noble and learned Friend has most carefully and safely guarded himself as far as regards the question of fact; and it is only in the event of the party being prosecuted and convicted of the facts alleged, that my noble and learned Friend can be understood to have pronounced any opinion whatever; and no doubt my noble and learned Friend, upon the matter of law, when it comes before him, will be perfectly ready to hear counsel for the prisoner or defendant moot that point, as well as argue on the question of fact.

THE DUKE OF NEWCASTLE: I think it right to repeat—as my noble and learned Friend the Lord Chief Justice was not present the other evening—what I then stated—that the Solicitor to the Treasury is directed to make full inquiries, and if the facts be such as to warrant a prosecution, to prosecute the party.

TYNE HARBOUR OF REFUGE—MANNING THE NAVY.

THE EARL OF ELLENBOROUGH: My Lords, I am about to present a petition to which I wish to draw the attention of the House, and especially of Her Majesty's Government. It is a petition from James Mather, of South Shields, praying for constructing a harbour of refuge at the mouth of the Tyne, and involves matters of the greatest importance, in reference to the impending war in the Baltic, and, perhaps, in no inconsiderable degree, in reference to the manning of the Navy. There have been various plans at various times for the formation of a harbour of refuge, and improving the mouth of the Tyne, and the latter subject has recently been remitted to the consideration of Mr. Walker, the engineer to the Admiralty, who has formed a plan for improving the entrance into that river. I may state that one-fourth of all the shipwrecks which are heard of on the coast of England occur within seventy miles of the mouth of the Tyne; that during last January, 110 shipwrecks occurred in three days, within twenty miles of that river; and that not less than thirty six of that number took place at the mouth of the river itself. There are not less than 3,500,000 tons of shipping annually using the ports of the Tyne, and there are not less than 7,500,000 tons of shipping using the four rivers of the Tyne, the Tees, the Wear, and the Humber. Access to the Tyne is of special importance to persons who reside in the metropolis; because, in consequence of the state of the bar at the mouth of that river during the prevalence of east winds, vessels are unable to leave the port, and during three or four weeks of last winter there were not less than 1,500 vessels detained four weeks, containing 200,000 tons of coal, all required for the immediate use of the metropolis. It is estimated that the cost of effecting the proposed improvements will be 350,000*l.*, and the Commissioners of the Tyne are able to offer to pay one-half of that sum. If they are left altogether to their own resources, twenty or thirty years may elapse before the work is completed; and in the meantime, in point of fact, the intended piers will be little better than artificial reefs, not improving, but deteriorating, the navigation of the river. Your Lordships must be aware how very much the carriage of coal by railways is interfering with and diminishing the carriage of coal by sea, and it is undoubtedly matter of public interest to equalise the facilities for the conveyance of coal by sea and by rail, so as to facilitate the carriage of that article to this very great manufacturing city of London. My Lords, there are other reasons which at the present moment render it extremely important that the Government should attend to the suggestions of the petitioners in favour of the construction of these piers. We are involved in a war in the Baltic, which must be carried on to a great extent, and every year will be carried on to a greater extent, by means of vessels impelled by steam, and to the port of Newcastle you must resort for coal, by which to carry on that war. You must go 700 miles to obtain any other coal than that of Newcastle, equally useful for the purposes of steam on board men-of-war. If the improvements are carried out in the manner proposed, not only will coal vessels at all times be able to leave the harbour, but all small vessels of war will be able to enter the harbour, and coal within it; and the importance of that is of the greatest possible consideration if this war continue. I am aware it may appear premature to suggest the continuance of a war, not actually declared, as an additional reason for improving the port from which the supplies of coal for carrying on the war would be obtained; but, my Lords, I confess I do not look forward with any sanguine views to the early termination of this war. I consider that if once a war be commenced, and the foundations of the great peace are broken up, a long time, indeed, will elapse before all the elements which compose the present system of European nations, the present balance of power, will be brought back into harmony and stability. It is, in my opinion, most advisable for the Government, at the earliest moment, to take into view probable events, and at the earliest moment to endeavour to be prepared for all contingencies. But, my Lords, there is another consideration, and one, as it seems to me, of very great importance, which it would be well for Her Majesty's Ministers to have in view. These ports in the neighbourhood of the Tyne produce the finest seamen in this country; but I regret to say that hitherto the Navy has not had the advantage of their services to any considerable extent. There has been among them a reluctance to quit the service to which they are accustomed, and to enter that of Her Majesty. Various circumstances, I regret to say, have occurred of late years which have been of a somewhat untoward character, and have tended to produce—I would rather not say irritation in the minds of the seamen—but a degree of estrangement between them and the Government of the country. More than one measure has been passed which has been extremely ill received by them, and has been considered to press hardly on their interests. In one instance—that of the Registration of Seamen Act—I think they took a very exaggerated and a very unreasonable view of the provisions of that measure; but the result was great indisposition on the part of the seamen to serve at all while the law remained unaltered; and, in consequence, that which is on all occasions a measure most injurious to the public, and rarely beneficial to the individuals who resort to it—a strike—ensued. That is a measure which must, of necessity, injure the public, inasmuch as the public wealth consists of the produce of public labour, which is interrupted and suspended while the strike lasts; and we rarely find that the persons engaged in it ultimately derive any benefit which can compensate them for the loss they suffer. Last year another measure passed through this House which had a very serious effect on their feelings towards the Government of the country. I vainly endeavoured to caution your Lordships against the adoption of it. The arrangement by which foreigners are allowed to serve in the coasting trade was a measure which appeared to me not only generally impolitic, but specially impolitic under the peculiar circumstances in which we then stood, anticipating, as, at least, I did, an impending war. These circumstances have tended very much to disturb, perhaps, I may say to alienate, the minds of the seamen in those ports, and I think it a matter highly important to remove those feelings of distrust, as may be done in a great degree by the endeavour—which their families, as well as themselves, will estimate—to improve the ports to which they resort. Upon the men I further most earnestly urge the adoption of a measure which would place them in a favourable position towards the country—I mean an extensive measure of volunteering, by which they would engage themselves in large numbers in the service of the Crown. There is at present, I regret to say, a serious disagreement between the shipowners and the seamen in those ports. The seamen, acting under very evil influence and bad advice, have united themselves in associations, every member of which is distinguished by a medal; the rule of those associations being that no person wearing a medal shall serve in a ship not wholly manned by members. The consequence is, the shipowners have been bringing seamen from other ports to supplant the seamen of the north-eastern ports; and although the whole matter of difference is only ten shillings a voyage, these men, under evil advice, have refused to engage themselves, and are walking about doing nothing, while the country wants their services; and if the country did not want them, merchants would be glad of those services. I wish they would feel that the only medal it becomes a man to wear is a medal placed on his breast by his Sovereign for good services rendered to his country; and nothing makes men appear more ridiculous, if not contemptible, than this decoration of themselves with distinctive medals by their own authority, which in this case is the emblem of disunion among seamen, at the very moment the public interest requires that there should be perfect union among them. I am told that these seamen would, in case of emergency, be willing to come forward and take service in the fleet. I think that emergency now exists. Three or four weeks hence, when the French squadron will have joined our fleet in the Baltic, and we then have a numerical equality with the fleet of the Russians, and that degree of superiority which arises from having vessels of greater force, and from a more extensive use of steam, then, indeed, the war in the Baltic may resolve into the ordinary course of a superior fleet blockading an inferior fleet in their own harbours; but until the fleet in the Baltic under Sir Charles Napier does obtain that superiority, by the junction of the French squadron—which it has not now—until that period, while Sir Charles Napier has the advantage of a central position between the three squadrons into which the Russian fleet is divided, and, while the ice is breaking up, this is the special moment in which all possible strategy may be exercised by which, with well-managed, well-manœuvred vessels, he may have an opportunity of striking a great blow with decisive effect, and perhaps even with little loss. But, my Lords, great chances attach to all warfare, and especially to naval warfare. Under its prevent novel aspect, there may, perhaps, by possibility—I will not admit at all the probability—but there may be by possibility, either from the weather, or from the enemy being superior, as he is, in numbers—there may be disasters; and I believe the men of the Tyne, the Wear, and the Tees—these, the finest seamen we have—would never forgive themselves—that through life they would feel the eternal pressure of remorse, if, from their absence, any disaster was experienced, or if, in their absence, any great victory should be gained. I cannot think that these men, who hold aloof from the naval service of the Crown—I cannot think they do not participate in the general enthusiasm with which the present war has been adopted by the whole country. I cannot think that they alone are insensible to those cheers with which the men proceeding to the service of their country in the Baltic are saluted by their fellow-countrymen on their departure. It so happens that at a very early period of my life I was thrown very much among seamen, and I have from that time entertained the greatest feeling of respect for their generous and noble qualities. At a more recent period I was accidentally engaged in company with them for many months together; and, undoubtedly, the experience which I then acquired only tended to confirm my opinions in their favour. My Lords, last year I endeavoured —as I have said, vainly—but I endeavoured, thinking I was discharging a public duty, to induce your Lordships, both on presenting a petition from many thousands of these seamen, and afterwards, when the Bill came before your Lordships' House, not to adopt a measure which they thought, and justly thought, inconsistent with their interests. I trust, therefore, when I venture to offer a word of advice to these seamen, I may be considered as offering it, in my anxiety for their interest and their honour, as a friend, and I do most earnestly entreat them, without the loss of one day, not individually, not by twos and threes, but as a body, to enter at once the service of the Crown. The emergency has arisen which demands their services. I do trust they will not be found wanting in this hour of their country's difficulty. I do not ask them to abandon all the habits of their life —to enter for ten years, or even for five years. Her Majesty's Government, in the emergency in which they now stand, have wisely, I think, abandoned that principle, and are willing to accept seamen for the year, though I may think that term inconvenient, both for the Government and the seamen themselves. Let them offer themselves for the voyage—that is, for the campaign—and I can hardly think, if such offers were made by large numbers of able seamen, Her Majesty's Government would refuse their request; but, in any manner, let them place themselves at the disposal of the Crown for immediate service in the Baltic. They may, perhaps, return with a medal granted by Her Majesty for their services—they may return with prize money—but certainly they will return with honour—respecting themselves, respected by others. They will have participated in great events, of which the fortunate termination may in a great degree have depended on their co-operation. They will have seen and will have done things to remember through their lives, and which may be talked of with pride by their families as long as they exist.

REGISTRATION OF BILLS OF SALE BILL.

House in Committee, according to Order.

LORD CAMPBELL said, that as he was absent when the Bill was introduced, he would avail himself of this opportunity to state that he cordially approved of its provisions.

LORD BROUGHAM wished to suggest to the noble Earl (the Earl of Harrowby) whether it would not be better, instead of compelling all parties to resort to London for a registry of bills of sale, to establish local registries throughout the country in connection with the county courts.

THE EARL OF HARROWBY said, the suggestion of the noble and learned Lord had been made to him from other quarters; but, on the other hand, the commercial community of Lancashire and Yorkshire were of opinion that traders would not believe they exhausted bills of sale by merely examining local registries. They would still resort to the central registry in London, and, under these circumstances, he did not think it was necessary to make any alteration in the Bill.

LORD CAMPBELL said it would be as easy and as cheap to consult the general registry in London as to examine local registries in the provinces.

Bill *reported*, without Amendment; Amendments made; and Bill to be read 3^{a} to-morrow.

VALUATION (IRELAND) ACT AMENDMENT BILL.

House in Committee, according to Order.

On Clause 1,

THE EARL OF DONOUGHMORE complained that the Bill contained enactments beyond its title, for it made an important aleration in local taxation, by including houses rated under *5l.* in the assessment to the county cess, by repealing the clause in the previous Bill which prevented it. The effect would be that it would be found impossible to collect the rate from the occupiers, and it would eventually fall on the lessors, who would thus be made liable to the county cess for all tenements under *5l.* The noble Earl moved an Amendment to strike out the portion of the clause enacting the extension of the assessment to houses under *5l.*

LORD STANLEY OF ALDERLEY said, the Amendment struck at the principal provision of the Bill. It was desirable, as the assessment was uniform, that the collection and the exemptions should be uniform also. The effect of the exemption of houses under the yearly value of *5l.* would be to encourage the erection and continuance of a very inferior class of houses. All the opposition to the Bill came from the owners of a miserable description of house property in Ireland, who now, in consequence of the exemption of small houses from the county cess, obtained larger rents than they would otherwise do.

THE EARL OF CLANCARTY objected to exemptions generally, believing they led to great abuses.

LORD MONTEAGLE hoped the Bill would be allowed to pass in its present shape.

Amendment *withdrawn;* clause *agreed to.*

On Clause 2,

Lord STANLEY of ALDERLEY proposed certain verbal alterations in the clause.

The Earl of CLANCARTY said, that the Amendment proposed by the noble Lord would afford no security against the abuses of the law of exemption, to which he had directed the notice of the House on the second reading of this Bill. Monasteries and nunneries claimed exemption as houses used for charitable purposes; and, to a certain extent, the claim appeared to be borne out, when the Commissioners of National Education made grants to the religious orders, for opening schools within their premises, for the education of the poor. He understood that the school-rooms or school-houses exclusively used for the purposes of education, were all that could be legally exempted; but it was notorious that the exemptions had been carried much further. He viewed this with the more jealousy as it had lately come to light that conventual establishments had been, he must say surreptitiously, endowed out of the grants made for the education of the poor in Ireland. He said surreptitiously, as it was only by the last Report of the Commissioners of National Education, made on the eve of an inquiry, that it appeared that to conventual establishments had been for a long time paid a percentage on the number of children certified by the heads of those houses to be under their instruction; in consequence of which no less than 1,831 girls had been reported as in attendance at a single convent school in Cork. Scarcely less reprehensible was the mode by which exemptions from local taxation were being extended to such houses, for when application was lately made by the guardians of a poor-law Union in the west of Ireland, to the Poor Law Commissioners, to know how to deal with a claim that had been made for the exemption of a religious house and the lands belonging to it, from poor-law taxation, the Commissioners left it at their discretion, to act as they might think proper, thereby, in effect, sanctioning an illegal exemption. He did not wish to raise the question, whether State endowments and exemptions from taxation should or should not be extended to conventual establishments; but he desired that whatever was done should be done openly, and that the opportunity afforded by the present Bill should be taken advantage of, to remove that ambiguity in the existing law of exemption, which had led to its abuse. He would, therefore, move the insertion of a proviso to this effect:—

> "Provided always, that nothing contained in this clause shall be held to exempt buildings used for the purpose of residence by persons bound by religious vows, or any lands attached to such buildings, from the payment of poor rates or other local assessments."

Lord MONTEAGLE said, there was no necessity for the proviso of the noble Earl. Monasteries and nunneries were not exempted by law from the payment of poor or county rates; and if boards of guardians, as was alleged, chose to exempt such institutions, they did so in violation of the law. He did not think the Bill should be encumbered with a useless definition of the law, such as that proposed by the noble Earl.

Lord CAMPBELL said, the proviso was unnecessary and illogical, because there was nothing either in the present Bill or in any existing Act of Parliament which exempted monasteries and nunneries from the payment of rates. The noble Earl might, therefore, just as well add words to the effect that play-houses, or any other description of property, should not be exempted.

The Earl of CLANCARTY thought monasteries and nunneries were not exactly in the same position as other descriptions of property, because they were, to a certain extent, charitable institutions, and as such should be exempted. He had been told to rest satisfied with the existing state of the law. But he wanted to know what the law was. The Executive Government had been called upon to declare what the law was, but they had refused to do so, telling the guardians who applied to them for information to do what they pleased.

Lord STANLEY of ALDERLEY said, if any one desired to know the state of the law, he should apply to the proper tribunals. For his own part, he could not conceive how monasteries and nunneries could claim to be exempted.

Amendment *withdrawn;* clause *agreed to;* other Amendments made; and the report thereof to be received To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 23, 1854.

Minutes.] New Writs. — For Liskeard, *v.* Richard Budden Crowder, Esq., Puisne Judge, Court of Common Pleas; for Tynemouth, *v.* Hugh Taylor, Esq., void election.

Public Bills.—1° Mortmain.

2° Income Tax; Medical Practitioners (No. 2).

AGRICULTURAL STATISTICS.

Mr. PALK said, he would beg to ask

the right hon. Gentleman the President of the Board of Trade, whether any steps had been or were about to be taken, to obtain statistical information with reference to agricultural produce?

Mr. CARDWELL: Sir, in reply to the question of the hon. Gentleman, I beg to state that with respect to three counties in Scotland, a full return was laid before the House last Session; and it appears that there was not a single case of omission, and only three cases of refusal to give the information asked—a result which I consider highly creditable to the agriculturists of those counties. With respect to Norfolk and Hampshire, I have received within the last few days the report of Sir John Walsham and Mr. Hawley, who have been charged with the inquiry in those counties, and I am happy to inform the House that there is only an omission of 3 per cent upon the whole return. I think that for a first experiment this will be felt to be highly satisfactory. The whole cost has been for Norfolk and Hampshire, 850*l.*; and for the three Scotch counties, 667*l.* What we have obtained is an accurate return of the acreage and of the quantity of stock; and in the case of Scotland there was added a voluntary estimate of the produce. I have stated that the Scotch return has been already laid upon the table, in answer to a Resolution of the House, and the papers with respect to England will shortly be produced. I think that to Mr. Hall Maxwell, the Secretary of the Highland Society, and to Sir John Walsham and Mr. Hawley, the thanks of the farming interest are due for the ability and success with which these inquiries are conducted.

GAMING-HOUSES.

The ATTORNEY GENERAL said, the Bill which he was about to submit to the consideration of the House had for its purpose the remedying of the defects of the law relating to gaming-houses. Hon. Gentlemen who had taken the trouble of reading the reports appearing daily in the newspapers must be perfectly well aware that very numerous instances had recently occurred of the law being set at complete defiance by the keepers of such establishments, which he was very sorry to say abounded in this metropolis. As the House was well aware, the law had made very wise and salutary provisions against the practice of gaming, and those provisions had succeeded happily in putting down the practice of public gaming—thus forming a very proud contrast in favour of this country as compared with some foreign States, where not only the practice had not been eradicated, but it was actually encouraged for the most unworthy motives. But although the practice of public gaming had thus been prevented by the law, unfortunately all legislation on the subject had hitherto proved inadequate to repress the existence of private gaming-houses and the practice of play in such places, and every day brought to light some fresh instances of young men of hope and promise being inveigled away into those dens, having their fortunes impaired, oftentimes ruined, and their prospects most seriously blighted by the arts to which they fell victims. And yet it would seem that at first sight the existing law was perfectly strong enough to put down these establishments. Penalties had been imposed by various Statutes against those who kept gaming-houses, and against those who frequented them. By the existing law the Police Commissioners had abundant powers to authorise officers of justice to enter—and, if necessary, by force—into these places, to see if persons were to be found there with instruments of gaming about them. No one would have supposed but that such measures would have had the desired effect; and certainly no blame attached either to the magistrates or to the police, for both had been as active and as incessant in their endeavours to put an end to the practice, though, unfortunately, all their efforts had proved fruitless. But the reason of this failure was ascribable simply to the fact that the present gaming establishments, being maintained in private houses, the parties who kept them contrived to exclude all persons in whom they could not place the most unbounded confidence; and they were enabled, by the effectual means they had recourse to, to keep out the entry of the police until they were enabled to get rid of all the proofs of gaming which were required for their conviction. He might mention to the House that he had been in communication with a police officer who had been frequently employed on such occasions, and from him he had become fully acquainted with the mode of procedure with regard to these cases. It would seem that keepers of these places regularly fortified their establishments—that either the outer door or some other defence was fortified in a manner from which the Board of Ordnance itself might learn a lesson in the matter of fortification. And to such an extent were these obstructions carried, that the officer he had just alluded to told him that it was frequently quite impossible to effect an entry into these establishments in less than half an hour, thus affording time to make away with the implements of gaming. As he had said, they took very good care not to admit any one in whom they had not the most thorough confidence. They admitted old hands, because they were known to them; they admitted young hands when they came introduced by old ones. But the police, of course, they did not admit; they were too well known to the wary guardians stationed inside and out to have any chance of that. The moment a policeman came in sight, the bolts, chains, bars, and locks were brought into use, and a warning by a bell or otherwise was given to the persons overhead, so that long before the police could effect an entry every article used for the purposes of gaming, such as cards and dice, was removed by means of a convenience already prepared, which communicated with the common sewer, and carried them away to the main sewer. Hereupon the bars and bolts were removed, and the police received with all possible politeness—were begged to walk in—to find, however, nothing more than a pleasant convivial gathering assembling round the supper-table, or a social party recreating themselves with some innocent game. Notwithstanding all the persons found on the premises are brought before the magistrate—though the policeman admits at once that he had neither found them in the act of gaming, nor could he discover any instruments for the purposes of gaming anywhere about. The failure, therefore, was quite complete, there being no case against the parties. Perhaps the magistrate, if he chanced to be a grave man, shook his head—if, on the contrary, of a mirthful disposition, he laughed, so that every one laughed except the poor discomfited police. So that the party implicated was free to open his house again the very same night, and re-commence his abominable practices. Such, then, was the objectionable state of things which it was most desirable to remedy. Indeed, instances of such cases had latterly been so frequent as to give occasion for great public scandal. He was most happy, however, to see that the press had commented on them in the right spirit, and in that House the attention of Her Majesty's Government had been directed to the subject by the noble Lord the Member for Ludlow (Lord W. Powlett). Now it was perfectly clear that the cause of the constant defeats of the law arose from the difficulty of obtaining evidence; for there was no hesitation or doubt for a single moment that these gaming-houses existed. Indeed, it was a melancholy fact that they swarmed and multiplied throughout the metropolis, and they were perfectly well known to the police officers—as well known as the hotels and taverns in the quarters where they existed. They were frequented by a class of persons who were either habitual gamblers or sharpers, and by young men, oftentimes of rank and fortune, who had the misfortune to be inveigled into them. And while, therefore, on the one hand, they knew of the existence of such places, and were perfectly aware of the consequent evils, how they swarmed and abounded throughout the metropolis, they had, on the other hand, the humiliating fact of the equally great and enormous evil of seeing the law defeated, defied, set at nought, and made the subject of mockery and derision by persons who every day violated it. Now, as he had before observed, the difficulty of obtaining evidence was no doubt very much increased by the means which these parties had recourse to in order to shut out effectually the entry of the police. For if the police could only procure an entry at all times into such places, as elsewhere, they would very soon detect the gamblers, and bring the owners of the establishments to that punishment which the law directed, so that in a very short time nothing more would be heard of them. But as long as this power of barring out the officers of justice continued, so long would it remain impossible to reach these keepers of gaming-houses by the existing law. He was prepared, therefore, to strike at once at the root of the evil, and with that object he proposed to make it a substantive offence wilfully to take means for the purpose of excluding the entry of officers of police when those officers were authorised by the law to enter. It was quite obvious, however, that he might be met at once with the objection, "What! would you make the barring the door of one's own house a matter of offence?" But, on the other hand, he might be allowed to observe, and as was very well understood by the police, there was a most essential and unmistakeable difference between an ordinary case of fastening a man's door, to prevent the ingress of improper persons, and the means resorted to by gaming-house keepers, for the purpose of guarding against by any possibility the entry of those who came armed with the warrant of a magistrate, and in order to defy that magistrate. He believed that magistrates would have no difficulty in coming to a decision on this point. He proposed, therefore, that when a case fell within the existing Statutes, when information was laid before the magistrates by competent persons, and when the magistrates or the police commissioners had issued their warrant, if it should appear that unusual and unnecessary means had been resorted to by the occupiers of the house to keep out the officers, that should be a substantive offence, liable to punishment. In the second place, he proposed to extend a principle already recognised in the 8 & 9 *Vict.*, cap. 109, the 8th section of which provided that where any cards, dice, or implements of gambling should be found, although the parties might not be found in the act of gaming, that still it was competent for the magistrate, under those circumstances, to presume from the fact that the house was used as a gaming-house; and it placed upon the owner the burden of disproving the allegation. He proposed, therefore, to extend that provision to all cases where those unnecessary contrivances were resorted to to fortify the avenues to the house, and to constitute that circumstance *primâ facie* evidence of the guilt of the accused parties. The next steps, however, which he proposed to take would be much more efficacious in suppressing the evil and overcoming the difficulty of obtaining evidence. A number of persons were found on the premises. Of these some were liable to heavy punishment; others, perhaps, to none at all. Some were victims and dupes, the others old hackneyed gamblers, the sharpers and decoyers—keepers of these establishments, that inveigled the young and the unwary. Now he, therefore, proposed to enable a magistrate, when a body of persons were brought up before him, either at the instance of the police-officer, or through the exercise of his own judgment, to select from amongst them the most objectionable, and hand them over to be prosecuted, while others of the party might be admitted as witnesses against them. At present no power was given to a magistrate enabling him to obtain the evidence of such persons, for, inasmuch as they were liable to punishment, they would refuse to answer questions which might inculpate themselves. It was proposed, therefore, to allow of the magistrate obtaining from any person evidence, by converting him into a witness; and he was perfectly sure that amongst every twenty or thirty persons seized on such occasions there would be always some, more or less respectable, that would not hesitate, merely to screen persons guilty of offences of this kind, to put the authorities in possession of evidence so as to enable them to enforce the law against such notorious offenders. He would also make this further provision; he believed nothing tended so much to prevent young men from going into these establishments as the risk of being discovered and exposed before the public, with their identity fully fixed and established. Now, at present the way such persons got over any difficulties of that kind was by giving false names and addresses. For the future, however, he proposed to constitute that an offence against the law; and any one, therefore, giving a false name or a fictitious address to a magistrate will be liable to penalties. He felt sure that, if consent was given to the enactment of such provision, the evil so much complained of would very soon cease to exist. The House would remember, on the occasion of the introduction of a Bill last Session for the suppression of betting establishments, they were told that it was impossible to adopt such a measure. He was happy, however, to be able to say that those pest-houses had been completely put down; and he believed, in reference to the present evil, if the House would but accept the plan embodied in his Bill, that a similar success would be attained; and that they would be adopting the surest means of overthrowing the last remnant of those gaming establishments, which were a disgrace to the country—a work which he hoped to see speedily and effectually completed.

SIR JOHN SHELLEY said, he only rose as the representative of that part of London which was unfortunately cursed with those establishments, for the purpose of tendering his best thanks to the hon. and learned Gentleman for the measure which he had just proposed. He thought its provisions gave a right to hope that its effect would be to put an end to those establishments.

Leave *given.*

Bill *ordered* to be brought in by Mr.

Attorney General, Mr. Solicitor General, and Mr. Fitzroy.

GRAND JURY LAWS (IRELAND).

MR. MACARTNEY said, he would now beg to nominate the Committee to consider the Grand Jury Laws of Ireland. As the constitution of the Committee was objected to, and its proposed objects so completely mistaken, he would take that opportunity of stating that his object was to correct abuses, not to alter the law, and, therefore, that was the whole scope and tendency of his Motion. With regard to the selection of the names, his aim had been to select Gentlemen whose opinions were unbiassed in favour of any particular course, and in whose regard he felt assured that they would proceed to consider the subject in a fair and temperate manner, and who would make no recommendations which the House could not safely adopt. He had, however, been urged to withdraw his Motion, but he believed that in doing so he should not be fulfilling his duty to the ratepayers of Ireland. In that country, as hon. Gentlemen from England might not be aware, all the roads and public works were made and carried on at the expense of the ratepayers, so that whilst here in the year 1851 the average county rate was not more than *5d.* in the pound, in Ireland, during the same year, it reached to a poundage of 1*s.* 6*d.* The whole of the expense of the gaols were also thrown on the county rate.

MR. SPEAKER here interrupted the hon. Member, and said that in going into the whole question of the Grand Jury system of Ireland he was quite out of order, his Motion only extending to the nomination of a Committee.

Motion made, and Question proposed—

"That the following Members be Members of the Select Committee on Grand Jury Laws (Ireland)."

MR. F. SCULLY said, that the House was aware a promise had been made by the right hon. Baronet to the Chief Secretary for Ireland that he would introduce a Bill to improve the state of the Grand Jury Laws of Ireland in the course of the present Session. Under such circumstances, therefore, and after all the Committees and Commissions which they had had during the past twenty or thirty years, he was perfectly astonished at the proposition emanating from the hon. Gentleman opposite, and could only regard it as an attempt to cushion and retard immediate legislation. They had had a Select Committee on the subject so far back as 1836, before which the hon. Member himself was a witness, and they had another in 1842, constituted of fifteen Members, eleven of whom were from Ireland, and on which no less than 3,600 questions were asked, and nineteen witnesses examined. It was quite evident, therefore, that further inquiry was superfluous; though, if it was conceded, he would not shrink from it, but would show that other classes of the community besides the ratepayers were affected by the injurious system at present in existence. He would call upon the House, therefore, not to bother the representatives of Ireland with needless investigations, but to press upon the Government the necessity of dealing with the ample materials before them and of introducing the requisite measures. He would move that the Order of the Day for the appointment of the Select Committee be discharged.

MR. FITZSTEPHEN FRENCH seconded the Amendment. He would put it to the right hon. Baronet the Chief Secretary for Ireland whether he would not, in consenting to the appointment of a Committee, be passing judgment on himself and the late Mr. Anthony Blake, both of whom had been members of the Commission of 1842. Twelve years had now elapsed since their Report had been made, and he would, therefore, beg the right hon. Baronet not to leave them once more at the mercy of chance legislation.

Amendment proposed—

"To leave out from the words 'that the' to the end of the Question, in order to add the words 'Order for the appointment of the said Committee be read, and discharged,' instead thereof."

MR. G. A. HAMILTON said, he hoped the House would pause before acceding to the Motion of his hon. Friend the Member for Tipperary (Mr. F. Scully). He might observe that at the moment he was interrupted by the right hon. Gentleman in the chair, his hon. Friend the Member for the county of Antrim (Mr. Macartney) was proceeding to observe on the Report of a Commission which had been appointed in 1842. Now that Commission had recommended most important alterations in the present Grand Jury system of Ireland, and which, if carried into effect, would involve a saving of not less than 160,000*l.* a year for the landed property of Ireland. The Report, however, of that Commission had been laid aside for twelve years, and the object, therefore, of his hon. Friend was to investigate how far their recommendations could be usefully carried into practice.

He must say, in contradiction to what had fallen from the hon. Member for Tipperary, that the Grand Jury system of Ireland was, on the whole, an admittedly good system. He believed it was a mistake to say that the abuses which formerly existed in the Grand Jury system existed at present, inasmuch as great improvements had been made of late years in that system. He hoped that if the Committee was appointed, it would be limited in its inquiries.

MR. M'CANN said that the only way to deal with the Grand Jury system of Ireland was to get rid of the fiscal duties of the Grand Jury altogether.

SIR JOHN YOUNG said, he was placed in a somewhat difficult position on this question. He had stated that he was not prepared to consent to a Bill being laid on the table, but thought it desirable to see the result of the discussion on the measure regarding the county rates of England. When his hon. Friend the Member for Antrim proposed a Committee, knowing that he was one who had given great attention to the question, he (Sir J. Young) had acquiesced in the proposal; and he could not well withdraw his acquiescence. He had merely suggested the alteration of one name in those proposed for the Committee. He saw no ground for dissenting from the appointment of the Committee. It was said the question of religious toleration was involved, but he could not see in what way. Much was said about representation accompanying taxation; and he approved of the principle. The Act on which the valuation was founded contained a clause attempting to regulate the rating by the net rent. Adam Smith and other authorities laid it down that local rates were a part of the rent and should be deducted from it; and the Commissioners who reported on the local rates of England in 1844 said it was well known that landlords had nothing to gain by the shifting of rates from one class to another; they assumed that all local rates came out of the rent in one shape or other. Therefore, whatever the representation in a county, the landlords or rent receivers ought to have a predominance in the management of the rates, otherwise an injustice was committed. It was most important to oppose the erroneous notions which prevailed on this subject, by the dictates of common sense. There were many points in the present Grand Jury Laws which might be advantageously retained, though the constitution of the Grand Juries was altered. Boards of guardians might be delegated to act on the Grand Jury, but the owners of property, as the great ratepayers, ought to have a predominance.

MR. NAPIER said, that, under the circumstances, he was desirous of ascertaining with what view the Committee was to be appointed, and what were the precise subjects they were to inquire into? He thought the Committee ought to be agreed to as it was proposed by the hon. Member for Antrim, or not at all. The understanding upon which the proposition was at first made was, that it was to carry out the views of the Commission that had already reported on the subject.

SIR JOHN YOUNG said, he wished to state fairly that he did not understand that the Committee, as proposed by the hon. Member for Antrim, was to be limited in the way alluded to by the right hon. and learned Gentleman.

COLONEL DUNNE said, this was a question which was sure to create great difference of opinion amongst Irishmen. The benefits of the Grand Jury system had been exaggerated, as had been its disadvantages. He doubted whether anything new would be elicited by the inquiry of another Committee. It would lead to dissension, and the expression of a variety of opinions, which would probably end in nothing. The number of notices now on the paper with reference to it showed that it would create great dissension. They would most likely have a division every day, and they would produce no Report of any value.

MR. MACARTNEY said, that with reference to the statement of the right hon. Baronet (Sir J. Young) as to the objects of the Committee's inquiry, he could not, as the promoter of the original Motion, assent to the view of the right hon. Baronet, because if that were adopted the entire question would be opened—a proceeding which he had never contemplated. He had never contemplated carrying out the Report of the Committee of 1842, which would have made practical improvements in the law as it stood, but he could never consent to make an alteration in the fundamental law respecting Grand Juries. Before, therefore, asking the House to proceed to a division, he would ask the right hon. Gentleman whether he intended to support the reference to the Committee of the instruction contained in his own Motion? [SIR JOHN YOUNG replied in the affirmative.] He saw so little chance of effecting a just settlement of this question, and of carrying out the

Report of the Committee of 1842, that he was quite ready to agree to the discharge of the Order.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Order read, and *discharged.*

INCOME TAX BILL.

Order for Second Reading read.

Motion made and Question proposed—"That the Bill be now read a Second Time."

SIR FITZROY KELLY said that, after the discussion which had already taken place upon the earlier stages of this Bill, and in the present state of information before the House as to what would be the future policy of the Government in regard to it, he felt it would be a waste of the public time at all to oppose the further stages of the measure. In making this statement, however, he reserved to himself the right hereafter, whenever the measure should come before the House in Committee, of calling for further information from Her Majesty's Government upon several points affecting the financial condition of the country, and connected with this Bill; and it would depend upon the nature and extent of the information which the Government might give him whether he should offer any opposition either to the further progress of the measure, or to the levying of the tax in its doubled form during the first half year.

MR. SPOONER said he had not been able to hear the purport of what his hon. and learned Friend said, but he wished to observe that, though he did not intend to offer the slightest opposition to the second reading of this Bill, he guarded himself against the supposition that by allowing the measure to pass he was to be supposed to agree in its provisions. Should the right hon. Gentleman the Chancellor of the Exchequer propose any addition to the tax during this Session, he did not wish it to be supposed by the course he now adopted that he in any way gave his sanction to the measure, because he had no hesitation in saying that he considered the provisions of this Bill to be so unjust that he should think it his duty to do what he could to oppose it in the event of a second application respecting it being made to the House.

Motion *agreed to.*

Bill read 2°.

MEDICAL PRACTITIONERS (NO. 2) BILL.

Order for Second Reading read.

MR. BRADY, in rising to move the second reading of this Bill, said, that he felt great difficulty in his position, inasmuch as the measure was one which required more power than he possessed in order to command the attention of the House. He would, however, endeavour to describe the present position of the medical profession and the objects of his Bill. There were at that time nineteen medical corporate bodies in the country. We had the College of Physicians, the College of Surgeons, the Apothecaries' Hall, the Universities of Oxford and Cambridge, both of which granted medical degrees. There was, also, the University of London, together with our other English Universities and Colleges. But there was no possibility by which a man belonging to any of those bodies could be recognised or known. He proposed by his Bill to remedy that evil, and to show that in doing so he was acting in conformity with the constitutional practice of the country. He found that every one of the great establishments of the country was regulated by a system of registration. The courts of law, the officers of the Army and Navy were registered, the clergy of the country were registered by their bishops, and if any of them were not so registered they would not be eligible to hold livings. He looked upon the condition of the medical profession as perfectly anomalous. Many of the evils which were now complained of in connection with the admission of improper persons to practise medicine would be completely remedied by his measure. This was a question of grave necessity, as the lives of many persons were placed in jeopardy from their ignorance of the competency of medical men, except from their title of "doctor" being placed upon their door. The profession itself suffered seriously by this system, for many individuals who had been mere tradesmen gave up their natural avocations for the purpose of vending quack medicines to the public. As the measure he now proposed was efficacious, simple, designed for the protection both of the public and of the profession by whom it was essentially required, he trusted the House would agree to the second reading.

Motion made and Question proposed,

"That the Bill be now read a Second Time."

MR. HADFIELD said, he should be glad to know what was the intention of the Government with respect to this Bill, and if in the absence of the noble Lord the Home Secretary, no Member of the Ministry was prepared to make any statement with regard to it, he should feel it his duty—as the Bill was not in a form which he could altogether approve—to move its adjournment for some short period in order that it might be further considered.

MR. FITZROY said, he believed the hon. Member for Leitrim (Mr. Brady) had had some communication with the noble Lord the Secretary of State for the Home Department, who had stated that he had no objection whatever to the introduction of this Bill, and to its being read a second time. Under these circumstances he (Mr. Fitzroy) should not oppose the motion before the House.

COLONEL DUNNE said, it was his opinion that the Bill was a useful one, though there were some points in it upon which in Committee he should have to propose an amendment or two.

Motion *agreed to.*

Bill read 2°.

The House adjourned at half after six o'clock.

HOUSE OF LORDS,

Friday, March 24, 1854.

MINUTES.] PUBLIC BILLS.—2ª Second Common Law Procedure, 1854.
3ª Highways (South Wales); Registration of Bills of Sale.

THE COURT OF CHANCERY.

LORD ST. LEONARDS moved for Returns of all Causes now depending in the Court of Chancery commenced in or before 1852, and of their present state; of all matters now in the several Masters' offices; of all writs, &c., in or since 1852, and in which final orders or decrees have been made. The noble and learned Lord said, it would be in the recollection of their Lordships, that a few nights ago he took the opportunity of vindicating the Court of Chancery from some aspersions which had been frequently cast upon it. The observations which he then made were drawn from him in consequence of certain complaints which had been made both publicly and privately against that Court, and he had thought it right to state, what he believed to be the case, that these complaints were not well founded, and he had no other object now in moving for these Returns than to give an opportunity of investigating these charges and seeing whether they had been properly made or not. At the same time, if it appeared that any of the complaints made against the Court of Chancery were well founded, and that matters had improperly occurred in connection with that Court, he thought an investigation should take place so that such occurrences might be prevented in future. The object he had in introducing a Motion for the Returns he asked for was to show what was the actual state of the Court of Chancery, and the condition of those suits in it which had been depending for some time. If, upon a Return made in compliance with this Motion, it should appear that there were matters which ought to be inquired into, he should feel himself called upon to move their Lordships for the appointment of a Committee to investigate the state of the proceedings in that Court, as he was quite satisfied there could be but one object in that House—namely, not to let the Court of Chancery be accused without just cause, and, if there was just cause, to take steps to remedy the evils which might be found to exist. There was one matter which had been publicly spoken of which reflected upon the office of one of the Masters in Chancery. It had been stated that no appointment could be fixed with that Master in Chancery except in the case of certain solicitors, and this was said to fall very hardly upon the solicitors as a body. He had been in communication with the Master in Chancery alluded to, who had written to the solicitors, but had received no reply at the time he (Lord St. Leonards) communicated with him. The Master, however, stated that he was not aware of any cause or matter to which the complaint which had been made could refer. He (Lord St. Leonards) would take this opportunity of making an observation or two upon a complaint which had been made as regarded himself, in which it was endeavoured to show that he had been actuated by a desire of oppressing the solicitors as a body. He could assure their Lordships, and the profession to which he had had the honour of belonging for so lengthened a period, that that accusation was entirely without foundation. The complaint was that upon one occasion he had made a solicitor pay costs because no counsel was prepared to go on with the case. He had never done any such thing. What he did was this—he made a solicitor pay costs, because neither he nor any counsel, nor even a clerk or any other person, was ready to appear when a cause was called on. In that case he made—and he apprehended that he acted very properly—he made the solicitor conducting the suit pay the costs; but certainly that was no reflection upon the solicitors as a body. In fact, he had never made any remark which could at all tend to cast a reflection upon that body. He hoped the result of any investigation that might be entered into with regard to the Court of Chancery would prove satisfactory.

LORD BROUGHAM said, he was exceedingly glad his noble and learned Friend had moved for these returns, because it was a matter of justice to the court to show that the individuals who complained were labouring under mistake, and that great improvement had been effected in the mode of conducting equity proceedings. He was also glad to hear his noble and learned Friend announce his intention, if it should be found that the new rules, both by statute and under the authority of the court, had not fulfilled the expectations of those who had promoted those great changes, to move the appointment of a Committee. He (Lord Brougham) was decidedly of opinion that a vast improvement had been effected in the courts of equity; and, although he approved of inquiry, he was convinced it would not lead them to retrace their steps, however necessary it might appear to introduce further improvement. His hope and trust, however, was that further inquiry would not be found necessary, and he entertained a strong expectation that when these returns were made they would show that recent complaints were groundless, and that the utmost their Lordships were called on to do was to examine how far it was possible, in one or two particulars, to make that improvement more perfect and complete. He could not allow this occasion to pass without stating to their Lordships one or two particulars connected with the great cause of legal reform, in justice to those with whom it originated. It was not in the year 1852 that the present Amendments were first propounded; neither was it in the preceding year, 1851, when a Committee of their Lordships' House entered into a full examination of matters connected with the Court of Chancery. It was not even in the year preceding, in 1850, when the Chancery Commission first began its labours, that those great changes, which had entirely altered the pace of proceedings in the Court of Chancery were first propounded to the profession. In justice to an honoured and learned relative with whom that proposition originated, Master Brougham, and for the sake of drawing an important conclusion in behalf of the amendment of the law, he felt it his bounden duty to mention that it was not in 1850, 1851, or 1852, but in 1842, ten years before that great measure for the reform of the Court of Chancery was enacted; that, almost in every detail, the measure was stated by Master Brougham, in a letter which he addressed to his immediate superior, the Master of the Rolls, the late Lord Langdale, stating that his eleven years' experience as Master in Chancery proved the evils of the system which he detailed and described, and proved also that there was but one remedy for these evils—an entire change in the system, by abolishing the masters' office. He stated, also, in what manner that abolition should take place; he described the consequent changes in the jurisdiction of the Court of Chancery; and he showed how necessary it was that the Judges of that court should not be satisfied with performing half the business, leaving the masters out of court to perform the rest of it, but that the Judges should sit partly in court to perform what was properly the judicial business of the court, and act as chamber Masters or chamber Judges to perform the residue of the business. These changes, strongly recommended and illustrated by examples, were pressed zealously upon the Master of the Rolls, Mr. Pemberton Leigh, and Sir James Wigram, afterwards Vice-Chancellor, the three gentlemen appointed by Lord Lyndhurst to examine into the whole matter. The masters having been called upon to give their opinions, Master Brougham stated the particulars in detail; and added, he was only afraid it was too powerful a remedy for the admitted evils, but he was thoroughly convinced, from his experience of eleven years, that it was the only remedy which would be found to have any material effect in mitigating those evils. Unhappily, those three learned persons did not immediately report to Lord Lyndhurst in such a manner as to produce any immediate proposition. The master thus finding it impossible to carry out the whole scheme, proposed a middle course, embodied in the Judge Masters Bill, which he (Lord Brougham) had the honour of introducing. That was only a half measure, but they still thought a half measure was better than none at all. That Bill their Lordships were pleased to sanction with their approval. It went to the other House, where it shared the fate of many measures, several of which he was inclined to think were valuable measures, and fell into entire oblivion. He moved the Bill again the following year, which gave rise to the Committee of 1851; before which Committee the letter of the master was given in evidence relative to the proposals he submitted nine years before. But let their Lordships remember the consequences of the delay. There was no reason whatever why a Bill founded upon the suggestions of Master Brougham should not have passed in 1843, instead of in 1852. Ten years had passed from the time those suggestions were first made—years of great suffering to the suitor, of grievous obstruction, to the court, and of great vituperation, not unjustly addressed to that court. Although they were judicial officers of that court who saw the mischief of the system, who were aware of the remedy, who propounded the remedy, and were anxious that the remedy should, without delay, be applied, ten years were suffered to elapse before any effectual steps were taken to apply the remedy, which all men agreed had produced the most blessed change in that jurisdiction which, since its existence, had been known. He drew from this the conclusion, that, whilst they ought not rashly and inconsiderately to make changes in their judicial establishments, at all events they ought not to delay them more than was absolutely necessary for giving due and deliberate consideration to those changes; and if they had had in the Court of Chancery the benefit of that which Lord Langdale always considered indispensable to complete any judicial system — a Minister of Justice — he (Lord Brougham) was thoroughly certain, instead of ten years, possibly not ten months would have elapsed before these salutary changes would have taken place.

Lord CAMPBELL said, the noble and learned Lord had done well in bringing before the public the obligations they were under to his learned relative, because he had no doubt whatever that the abolition of the Masters' offices was the origin of all the improvements in the proceedings of the Court of Chancery. He considered his noble and learned Friend (Lord St. Leonards) had done well in moving these Returns, because he was sure they would prove that at present no grievances whatever existed in the equity courts. But for their Lordships to appoint a Committee on account of some paragraphs in newspapers was, he thought, derogatory to their Lordships' House. He trusted that, on these Returns being made, all would concur in testimony favourable to the courts of equity which, if not perfect, because no human institutions were perfect, required very little more to be done to them.

The LORD CHANCELLOR said, he could assure their Lordships that had it been the custom in their Lordships' House to require a Motion to be seconded, he should have been the first to second the Motion of his noble and learned Friend. He was sure their Lordships would do him the justice of acknowledging that it was not his object, as the head of the Court of Chancery, to screen anything connected with that Court. There was nothing of which he should be more glad than to have that Court laid open to the fullest possible extent, and, if anything should be found to be wrong, to have it corrected. When he said that nothing was wrong, the assertion must be taken with some little qualification, as errors would be found to exist in any system that might be adopted; and the returns in this case might show that there were some old causes, as they were called, still hanging on hand, and such cases might probably be hanging on hand to the end of time. He referred to causes such as, for instance, a suit concerning persons who had died and left property in the West Indies, Australia, Scotland, or Ireland. When such cases got into the Court of Chancery, it sometimes took years before they got cleared up. They could not properly be called suits, for they were rather the administration of the affairs of deceased persons, and required communication with all parts of the globe, and a long time must necessarily elapse before they could be settled. But he saw no reason why these causes should not be forced on as much as possible. He might say that he had been in communication with the Masters in Chancery upon this subject, and he believed their Lordships would find from the returns that whatever there had been of delay was owing, not to the Court, but to the parties concerned in suits, who got wearied, went to sleep, and did nothing. It was not that the Court did not help them, but, on the contrary, it forced them on.

Returns ordered to be laid before the House.

SECOND COMMON LAW PROCEDURE—(1854) BILL.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR said, that in asking their Lordships to give a second reading to this Bill, it was not his intention to detain them with more than one or two observations, having so fully stated when he laid it on the table the object and nature of the improvements projected. Since that time he had received various communications upon the measure from different persons, which were entitled to more or less consideration. In the first place, the Bill, as he had stated on introducing it, enabled parties within certain limitations to have cases tried, not by juries, but by the Judge. He had received communications suggesting that he had done very wrong in leaving it optional to the Judge whether he would try the case without a jury or not. That was a total misconception of the Bill. It was not optional to the Judge whether he would try it or not; but it was for the Court or a Judge to decide if the particular case came within such a category as a Judge of the court in which the action was brought, or the Judges generally, by special or general order, should have directed. The parties to a cause instituted in the Court of Queen's Bench, might wish it to be tried by a Judge, instead of by a jury; but it was absolutely necessary—at least so it struck him—to have some guard in so proceeding, and for this reason it would be a very dangerous and impolitic to put it in the power of the parties to have a particular case tried by the Judge, where it might place the Judge in a position of extreme and distressing embarrassment. For instance: an action being brought for criminal conversation, the Judge, under those circumstances, would have not only to say whether the accusation was true, but what damages the injured party ought to receive. This duty is now entrusted to a number of men, and these persons having as a jury assessed the damages, sink into their own stations again, and are not liable to be pointed at as having taxed a man to that amount. Such was his view; but he proposed to refer the Bill to a Select Committee, when that matter would be discussed, and if their Lordships should hold a different opinion, he should not be indisposed to give it further consideration. The second point was, that it was said parties ought to be at liberty in all actions to stop the further proceedings, by paying money by way of compensation, into court, and if the plaintiff chose to go on after that, he should do so at his own peril, and should pay all costs if he did not recover more than was paid into court. He thought, if that right was not qualified, it would give rise to great injustice. Suppose a man's character was grossly vilified and attacked, and he brought an action for the sake of the opportunity of explaining his conduct publicly, and showing that the calumnies imputed to him were without foundation. Now, if the party complained of were at liberty to say, "You have brought your action, here is 50*l.*; go on with it if you dare, and if you go on, and the jury do not give more than 50*l.*, you will have to pay all the costs of the proceeding; that would be a scandalous state of things, the real object of the action being the public vindication, and not damages. There was one other point well worthy attention. The Commissioners had recommended that the courts of common law should in all cases be at liberty to make an order for what is called "specific performance" of contract. It was quite obvious that, in the unqualified way they put it, that was impossible, because they could not have specific performance of some sorts of contracts. In the case of a breach of promise to marry, for instance, the impossibility of enforcing specific performance was apparent. That was an extreme case, but the truth was the Bill did provide for all those cases in which such an enactment would be at all useful. It provided that, where parties had the chattel of another, who desired to have it delivered up to him, specific performance would be ordered by judgment which compelled the defendants to deliver up the chattel. In cases also where persons were under obligation to make a road, or anything of that sort, there was provision to have the specific performance of that obligation enforced, and not merely to recover damages for the non-performance. The only other case in which specific performance was of any importance, and, indeed, the only case in which it could be practically enforced, was the case of the purchase and sale of real estates. [Lord St. Leonards: And settlements]. He spoke generally of dealing with real estates. Now, in the case of the sale of real estate, when the action was brought by the party selling, the court of law did give specific performance; namely, it awarded the payment of the purchase-money, and in that case no new enactment was required at all. In the other case, where the action was by the purchaser to compel the seller to convey the estate to him, there was no difficulty in getting that done in the Court of Chancery—done in the simplest and easiest way in which such a matter could be done; and he confessed that, merely for the sake of pedantically making matters more square, he did not think it desirable to give the courts of common law that power, which would also involve great difficulty; because, before the court decreed specific performance, it would have the title of the seller to look into, to see that he could perform. In the Court of Chancery there was the machinery necessary to investigate the title of the vendor, and his ability to fulfil his agreement; but to enable the courts of common law to do so, new machinery must be created; and the creating new machinery was quite unnecessary, as it would only enable the courts of common law to do that which was now effectually, cheaply, and, as they had heard, expeditiously done by the Court of Chancery. At the same time, with regard to that, as well as to other points, they could be considered in the Select Committee, and when the Bill came before their Lordships again, if they took a different view, and thought this enactment could be extended, he should only bow to their opinion. If they would only state the way in which the recommendation of the Commissioners could be best carried into effect, he should be happy to bow to their Lordship's decision. The noble and learned Lord *moved*, that the Bill be now read 2^a.

Lord CAMPBELL said, that he thought it might be beneficial to have some causes tried by a Judge without a jury, but that there were other causes in which that course would be extremely pernicious. A school had sprung up out of doors which treated all juries with contempt. He called the disciples of this system the *pessimists*. Everything that was established was the worst that was possible. Instead of "everything that is is right," their motto was, "Everything that is is bad;" but whatever odium he might incur with those parties, he did not hesitate to state his opinion that, for the determination of doubtful questions of fact, and especially as to the degrees of credibility to be attached to witnesses, a jury, with the assistance of a Judge, was the best tribunal that ever was established. He was convinced there were many cases which could not be satisfactorily tried by a Judge without a jury—such as criminal conversation, actions for assault, actions for slander, and actions for libel. Take the case of a libel charging murder, in which a justification was pleaded; would it be proper that a Judge, unaided by a jury, should have to brand a person with such a crime? The Commissioners recommended that in every case in which the parties should before issue, and before, therefore, it is known what the question to be tried is, wish to have the cause tried without a jury, it should be so tried. He thought it was far more wisely provided by the Bill that after issue was joined, and the question to be tried was known, the court on its responsibility was then to say whether it was a fit case to be tried by a Judge or jury. It was said that the Judges wished to save themselves trouble, and therefore were unwilling to try causes without the assistance of a jury. The Judges had no such feeling. Their only wish was that the truth should be elicited and justice done, which he believed was done effectually by the present system. He had a profound reverence for trial by jury, and his experience taught him that frequently where juries differed from the Judge on matters of fact, it turned out they took a more sound and correct view than the Judge. With regard to the second point, he entirely agreed with his noble and learned Friend. It seemed a most monstrous injustice that a foul libel imputing the most abominable crimes having been published, say in a newspaper, the defendant might pay his 5*l.* into court, and tell plaintiff that if he were not contented he might go on, at the risk of paying the whole costs of the proceedings. He had, indeed, proposed and carried a measure giving such a power to newspapers in regard to libel; that, however, had been done on two conditions—first, that the libel had been originally published *per incuriam;* and secondly, that an apology for it had been published as soon as possible. With respect to the third point referred to by the noble and learned Lord on the woolsack—namely, the granting of power to the common law courts to enforce specific performance of contracts—the proposal made by the Commissioners was undoubtedly far too wide, as it would embrace even cases of breaches of promise of marriage; but with regard to contracts for the sale and purchase of estates, he saw no reason why parties should not be allowed to bring actions in the common law courts, either for specific performance or for damages. He cared not whether such a power was entrusted to courts of law, or confined to courts of equity; but, considering the many valuable books which the common law Judges had now at their command, and the great assistance which they might receive from the officers of their courts, he hoped he was not arrogantly assuming too much when he said that they would have little or no difficulty in arriving at a just decision in such cases. Upon the whole, he believed that when this Bill became law, it would confer a great boon upon the country.

Lord ST. LEONARDS said, that as the Bill now before the House was to be referred to a Select Committee, he should not enlarge upon any of its provisions; but after what had fallen from the noble and learned Lord opposite (Lord Campbell) he could not refrain from addressing a few observations to their Lordships. The Bill proposed for the first time to introduce, to a great extent, equity jurisdiction into courts of law. He was not disinclined to let that experiment be tried; but he trusted their Lordships would bear in mind that it was only an experiment, and one, moreover, with regard to which no man was in a position to say how far it might succeed. The noble and learned Lord, however, seemed to desire that, even before the result of the present experiment should be ascertained, the whole subject of the specific performance of contracts should be committed to the hands of the common law Judges—that parties should be allowed to go either to a court of equity or to a court of common law—and that either of those courts should be empowered to enforce specific performance of contracts. Now, the whole machinery of a court of common law was adapted to the assessing of damages in cases of breach of contract; but he utterly denied that it was in any way fitted to deal with the specific performance of contracts. All cases of that description involved questions of title, which it was impossible for a court of common law to decide; but, on the other hand, the machinery of a court of equity was mainly directed to the specific performance of contracts, and to the settlement of difficult and complicated questions of title. But it had been proposed, on the other hand, to transfer to the court of equity the power of assessing damages in such cases. Now the court of equity had disclaimed that power; and, for his own part, there was nothing which he would regret more than to see the Court of Chancery, in its present state, invested with the power of inflicting damages. It would be necessary to summon a jury; but if the court was obliged to do so, in all cases in which damages were to be assessed, it would find it impossible to transact its ordinary and proper business, and the consequences would be mischievous in the extreme. He regarded, in short, the proposed mutual transference of the duties of one court to the other as a change of the most objectionable character, and one which could not fail to be most injurious in its results.

Lord CAMPBELL wished to state, in reply to the remarks of the noble and learned Lord, that he thought the other Judges and himself, with the assistance of the officers of the Court, would not find it difficult to come to a just decision upon questions of title, and as to whether there should be specific performance or not. He believed, on the other hand, that the court of equity was quite able to assess damages without the aid of a jury. The matter was almost invariably one of pure calculation, and he saw nothing to prevent a Judge or his clerk, after giving an hour's attention to the subject, coming to a fair conclusion as to what the amount of the damages in each particular case should be.

Lord BROUGHAM said, that having already expressed his objection to part of the Bill as not going far enough, he would not repeat now what he had said; but he might be allowed to express his concurrence in the remarks of the Lord Chief Justice with respect both to the ability of the courts of law to enforce specific performance of contracts, and to that of the Court of Equity to assess damages without the assistance of a jury. He thought that there should be given to the parties the option of suing for damages for the breach of a contract, or for specific performances. The noble and learned Lord on the woolsack proposed, in certain cases, to take away from parties the option of having their suits tried either by a Judge alone, or by a Judge assisted by a jury; but that proposal was one of very little consequence, inasmuch as it would be extremely difficult to conceive a case of damages for breach of contract that would not fall within that description of actions in which parties were still to have the option of having their cases tried either by a Judge or by a jury. He believed, so far as the court of equity was concerned, that it would be easy to make arrangements for the very few cases in which the assistance of a jury would be required. He was convinced that in 99 cases out of every 100, the parties would prefer the decision of the Judges alone. The difficulty, therefore, was more apparent than real, and he trusted the proposed reforms would be carried into effect as speedily as possible.

THE EARL OF WICKLOW said, there was one provision in the Bill which, in his opinion, was not only contrary to the existing laws of the land, but was in direct opposition to repeated decisions on the part of their Lordships. He alluded to the 18th clause, which provided that, in case any witness before a common law court should entertain conscientious objections to the taking of an oath, the Judge should be at liberty to dispense with the oath, and to take a simple affirmation or declaration instead. Now, he need not remind their Lordships that Session after Session the late Lord Chief Justice brought forward a Bill for the purpose of carrying that principle into effect, and that upon every such occasion the proposition was rejected by the House, and that with so much certainty that the noble and learned Lord had never had the courage to press it to a division. Lord Denman, with all his ability and learning, found it impossible to convince their Lordships that his opinion was the right one; and yet here, in a Bill professing to deal with the common law procedure, a clause was introduced for the purpose of accomplishing the object which that noble and learned Lord had in view. He did not accuse the noble and learned Lord on the woolsack of an attempt to smuggle that clause into the Bill—the noble and learned Lord was incapable of such an act; but he had already acquired sufficient experience of the House to know that, when he got up at the seventh hour to expound a new law Bill, the attention of other Peers was claimed by duties of a more domestic nature than those which devolved upon them as Members of that House. The fact was, that the speech of the noble and learned Lord on introducing the measure was delivered in a very thin House, and he thought he might venture to say that the 18th clause was entirely unknown to the great majority of their Lordships. It was not for him to detain their Lordships with arguments upon the subject of oaths. That subject had been discussed over and over again in connection with the Bills introduced by Lord Denman, and more recently two of the Colleagues of the noble and learned Lord on the woolsack—Lord Palmerston and the Attorney General—had expressed a strong opinion upon the importance and necessity of oaths. He merely wished to point out the apparently insidious manner in which the 18th clause had been introduced into the Bill. Their Lordships were aware that a Bill was at the present moment before the other House of Parliament for permitting oaths to be dispensed with, under certain circumstances, in all the Courts of the realm. That was the proper way to deal with the subject, if it was necessary to touch it at all. Why should the change, if there was to be one, be confined solely to those witnesses who came before the common law courts? Why should it not be extended to every Court in the kingdom? Again, why were Ireland and Scotland to be excluded from the operation of the Bill? But he objected altogether to the principle of the clause. He entertained a high respect for the Judges of England, but he would never consent to give them the power of dispensing with what formed part and parcel of the law of the land. He trusted this subject would be fully discussed and considered by the Select Committee to whom the Bill was to be referred. He had done his duty in bringing it before their Lordships, and he hoped they had not so far changed their minds as to be prepared to sanction a principle to which they had frequently refused their assent.

THE DUKE OF ARGYLL said, that he was not at all sorry that the noble Earl who had last spoken had called the attention of their Lordships to this subject, which he was quite ready to admit was one of considerable importance. The noble Earl's objections to the measure seemed to be twofold—firstly, a direct and specific objection to the 18th clause; and, secondly, a general objection to the abolition of oaths under the circumstances contemplated. Before answering such objections, however, he begged to protest against the observations which the noble Earl had made with reference to the noble and learned Lord on the woolsack, as far as regarded this clause. He happened to be in the House when the noble and learned Lord explained this measure to their Lordships, and he perfectly remembered the very clear and distinct manner in which the noble and learned Lord placed before their Lordships the improvements that were contemplated by, and the various clauses of, the Act; and, among other clauses, he called the especial attention of their Lordships to the clause to which the noble Earl so much objected. So far, therefore, the House had had full notice of this clause. With regard to the general principle, he trusted that the clause would receive the sanction of their Lordships. Nothing could be more absurd or anomalous than the existing law with regard to oaths. The principle of dispensation was already recognised by the law of the land; but the exemption was only granted to certain enumerated parties, on the ground that it was believed they had conscientious scruples to taking an oath; but could it be said that no other body of men could have those conscientious objections except Quakers, Separatists, and Moravians? He knew of cases in Scotland where persons had been imprisoned rather than take an oath. The principle of this Bill, with regard to oaths, was already the principle of the law, and they were, therefore, doing nothing but extending the existing law. There were many cases of persons who objected to take an oath, not because their fathers before them were Quakers or Separatists, but because they had religious scruples on the point. As to the extension of this principle to Scotland, he quite agreed with his noble Friend. He was glad to see the principle admitted in the one kingdom, as he was sure that then it would soon be extended to the other. If once established in England, there was no doubt that the principle would in a few years be extended to Scotland also. He rejoiced to see the change of opinion that had taken place on this subject since he had presented a petition regarding it from persons in the neighbourhood of Edinburgh; and he should be sorry indeed to see the principle omitted from the present Bill.

LORD BROUGHAM said, as to this subject having been distinctly brought to the attention of the House by his noble and learned Friend on the woolsack, there could be no doubt; for he recollected stating how grieved he was that the absence of Lord Denman on that occasion, from ill-health, prevented him from receiving the gratification which his noble and learned Friend's announcement of an alteration for which he had himself laboured in vain for so many years would have given him. As to the extension of the principle to Scotland, he might state that he had himself presented a petition from a person who was imprisoned thirty days in Scotland because in a case where he had been summoned by the police, and was not a volunteer witness at all, he refused, from conscientious scruples, to take an oath.

THE EARL OF WICKLOW had no doubt that this subject had been fully explained on the first reading of the Bill, when very few were present; but it was on the second reading that such explanations ought properly to have taken place.

THE LORD CHANCELLOR said, no doubt it was true ordinarily that the principle of a Bill should be explained on the second reading; but it was difficult in a measure like the present to say what the principle was, as it involved a great variety of topics relating to the improvement of the administration of justice. When brought before their Lordships, the Bill met with almost universal approbation, and he was not at all aware that exception would have been taken to this or any other part of the measure. He certainly had no intention whatever of keeping back the proposed alteration with respect to oaths, and he assuredly had not done so on the occasion of explaining the provisions of the Bill on its first reading, for he considered that, had he desired to make the measure a popular one, his best course would have been to enlarge upon the proposed alteration. His noble Friend seemed to suppose that this was an improper Bill for the introduction of a clause relating to oaths, but, with all due respect, he thought otherwise. The security to be obtained for getting at the truth of witnesses was a most important part of the procedure at law; and the alteration was in accordance with the recommendations of the Commissioners appointed to inquire into, and report upon, the whole subject of common law proceedings. The Commissioners reported on all the necessary proceedings in a court of law, and surely they could not omit that which related to the securities for truth. A recommendation on this subject was accordingly embraced in their Report, and was now, as it appeared to him, introduced with the greatest propriety into the present Bill. If this had been a Bill to abolish oaths, on the ground that they could get at the truth as well without an oath as with one, he should certainly have been opposed to it; but that was not the nature of the provision, which was simply to meet cases where, on account of persons objecting on principle to take an oath, their evidence could not be obtained at all. The object of the clause was to enable them to receive testimony from those who had a scruple of conscience on the subject; and he hoped, when they came into Committee, that the House would not sanction the exclusion of that clause from the Bill.

On Question, *agreed to;* Bill read 2^a accordingly, and *referred* to a Select Committee.

DAY OF PRAYER AND HUMILIATION.

THE EARL OF CLANCARTY: My Lords, before your Lordships separate, I would beg to put to the noble Earl at the head of Her Majesty's Government a question upon a subject which is just now of much public interest, and I trust that, although I have not given any formal notice of it, he will be both able and willing to give a satisfactory answer. Evening after evening discussions have taken place in this House relative to the affairs of the East, and to the war with Russia, upon which this country may be said to have entered; and those discussions have certainly not been devoid of interest and of public advantage. It is a subject of congratulation that the whole of the correspondence with Russia, both secret and official, having been laid upon the table, it has been found to be such as to reflect no dishonour upon the British name, and it may justly be added that it is most creditable to those who have been entrusted with the conduct of our foreign relations. These papers show that everything has been done that could have been done to avert the calamity of war, and they conclusively establish the justice of the cause we have espoused. Again, from the discussions that have taken place on the naval and military armaments, it has been satisfactorily shown that the most efficient preparation has been made, and that the Government have not been wanting in the emergency in careful attention to the good of the public service. Hence they have acquired, at this important crisis, the cordial support of public opinion, and the national enthusiasm in the impending conflict is scarcely less than that which animates the forces that are now on their way to the scene of action. All these are most auspicious and cheering circumstances, but there is one circumstance which many in this country view with regret and disappointment, and that is, the omission on the part of the Government to take any step for publicly invoking the Divine blessing upon our arms, and upon the cause they are sent forth to support. Such a step would, I conceive, have been right, at a time when the country is embarking in a war, certainly of a very formidable character, and of which no one can foresee the issue. We may feel confident in the justice of our cause, we may feel confident in the strength of our armaments, and we shall certainly not be disappointed in the valour of the brave men we have sent forth; but "the race is not always to the swift, nor the battle to the strong;" and if we look not to the Almighty disposer of events for his guidance and blessing, we may find our confidence no better justified in the event than was that of the Spanish Monarch, who once sent against this country the armada that he styled "invincible." I am no advocate of superstitious forms and observances, but they may nevertheless be regarded in general as implying a recognition of the Deity. I therefore take the liberty of mentioning what came under my personal observation, when I happened to be with a Russian army in 1829, on the occasion of a force being detached upon some special service from Count Diebitsch's army at Adrianople. The troops were formed in an open plain around an altar, at which a Greek priest officiated, and after a certain rite, doubtless including the offering up of prayer, had been performed, the troops were sprinkled with holy water. The ceremonial, though not very intelligible in its forms, was undoubtedly designed to invoke the Divine blessing upon the expedition, and the example is so far worthy of imitation. Forms of prayer and devotion in this country are happily simple and intelligible. Prayer is made during the sitting of Parliament for the Divine blessing upon your deliberations, and suitable forms of prayer are ordered for use in our national churches on occasions of calamity or of danger. Surely, then, on the departure of so many brave men to engage in the strife of arms, it would be suitable that some public acknowledgment should be made of national reliance on Divine support. I trust the noble Earl will, if he has not already done so, take such steps in the matter as would be becoming in the Government of a Christian people. I therefore venture to inquire, as a matter of much public interest, whether it is intended that any form of religious observance should be commanded in reference to the war in which the country is now engaged?

THE EARL OF ABERDEEN considered the noble Earl's appeal somewhat premature, for war not having yet been declared, the time had not arrived when such a step as that to which the noble Earl referred could properly be taken, even if it should be thought proper to take it at all. He would remind the noble Earl, too, that there was in our liturgy a prayer to be publicly used in time of war, and which for the same reason—that war did not exist—was not read in our churches; and it would, he submitted, be premature to announce any proceeding of this sort, until the emergency to which it was to be directed arose.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 24, 1854.

METROPOLITAN SEWERS COMMISSION—QUESTION.

SIR BENJAMIN HALL: In the absence, Sir, of the noble Lord the Member for Tiverton, I wish to ask a question of the hon. Gentleman below me, the Under Secretary for the Home Department, in reference to the Metropolitan Commission of Sewers. It was reported in the newspapers about three weeks ago, that all the unpaid Commissioners had tendered their resignations in consequence of circumstances to which it is unnecessary now to allude, leaving the whole of the business to be conducted by the paid Commissioner and the executive officers of the Board. It is now reported that on Tuesday last these gentlemen who had resigned, or had intimated their intention to resign, again met for the purpose of transacting business, and passed a resolution that they would proceed with drainage works, the estimated cost of which is not less than 3,000,000*l.* sterling. They also passed a resolution to levy rates over various parts of the metropolis; and the question which I wish to ask is, whether the plans, in accordance with which these works are to be executed, have received the sanction of the noble Lord the Secretary of State for the Home Department; and, if so, whether there is any objection to lay these plans on the table of the House?

MR. FITZROY: I think, Sir, that the hon. Gentleman has fallen into an error with respect to this question. The sanction of the Secretary of State is not requisite for the recommencement of any works undertaken by the Commissioners of Sewers. The Metropolitan Sewers Act gives no control to the Secretary of State over the works to be commenced by the Commissioners of Sewers, or over the manner in which their functions are performed, they being Commissioners under the Great Seal, and responsible for the due discharge of their duties. The only supervision exercised by the Secretary of State over the Commissioners of Sewers is that kind of general supervision which is exercised in the case of magistrates. With respect to the question which my hon. Friend has asked, and the statement he has made from reports in the public journals, he does not appear to be quite accurate. I have before me a short memorandum which has been furnished by the chairman of the Commission, with respect to what took place on Tuesday, which will put the House in possession of the facts, and which I will, therefore, take the liberty of reading:—

> "On Tuesday, the 22nd, the Commissioners of Sewers entered into a resolution to the effect that, considering the great public inconvenience likely to ensue from a suspension of the ordinary business of the Commission, the Commissioners consented to resume the exercise of the powers given to them by the Sewers Acts until their successors can be appointed. The resolution did not refer to the commencement of the main drainage works; but it did not negative the commencement. It was generally understood, though no direct expression was given of such a conclusion by any resolution, that works of a subordinate character (some of them of great magnitude and importance, however,) should be entered upon and proceeded with by the present Commissioners. The rates which, on Tuesday, were ordered to be advertised, are partly to meet engagements already entered into, and partly to enable the Commissioners to execute works now greatly needed. The amount of subordinate works alone now urgently required far exceeds the resources which the Commissioners could now command."

SIR BENJAMIN HALL: In consequence of the answer given by my hon. Friend, from which I understand that the

Commissioners of Sewers are not under the control of the Secretary of State, I beg to give notice that I shall on Monday move that plans and estimates of the works intended to be carried out by those Commissioners be laid upon the table of the House.

THE MILITARY ASYLUM AT CHELSEA—QUESTION.

MR. OLIVEIRA said, he wished to ask the right hon. Gentleman the Secretary-at-War, considering the objects for which the Royal Military Asylum at Chelsea was established, as set forth in the several Royal Warrants bearing dates respectively the 26th day of April, 1805, the 4th day of February, 1809, and the 10th day of October, 1811, by which the whole number of children of non-commissioned officers and soldiers mostly employed on foreign service was 1,200, and that at the present time there are only 350, whether it would not be desirable to fill the number up to 1,200, giving the preference to the children of non-commissioned officers and soldiers now or about to leave on foreign service, instead of permitting them to have recourse to parochial relief?

MR. SIDNEY HERBERT: In reply, Sir, to the hon. Gentleman's question, I have to say that it is quite true that under previous warrants the Royal Military Asylum, at Chelsea, did contain a very much larger number of children than at present. At the same time, however, when it provided for the larger number to which this question refers, one part of the establishment was situated at Southampton, where there were, I believe, 450 children. That establishment at Southampton has been done away with, and the capacity of the Asylum, with respect to accommodation, must, therefore, not be measured by the number it contained at that time. Since that period, also, very considerable changes had taken place at Chelsea—a large portion of the buildings, originally appropriated to the Asylum, being now occupied as a normal school for the training of schoolmasters for the education of soldiers' children. There is, therefore, not more than half the accommodation now that there was formerly. And we could not add as many as 150 children to the 350 who are now there without incurring not only an annual increase of expense of upwards of 3,000*l.*—which I admit is not a very large sum—but a considerable outlay also in the erection of fresh buildings.

LIEUTENANT-COLONELS OF MILITIA—QUESTION.

MR. MONCKTON MILNES: Sir, I wish to ask the right hon. Secretary-at-War whether, in the new arrangements respecting Militia officers, it is intended to give colonels' pay to lieutenant-colonels commanding, while on duty, and while incurring the same expenses as full colonels? I understand that, for the future, the whole responsibility and expense of command of the Militia regiments is to devolve on the lieutenant-colonels; and if, while they are subject to that responsibility and expense, they are to receive only 15*s.* 11*d.* per day, while other regimental colonels are receiving 1*l.* 2*s.* 6*d.* per day, great inequality and great inconvenience will be the result.

MR. SIDNEY HERBERT: Sir, in answer to my hon. Friend, I will state shortly what was the reason for the change which has been made in the Militia regulations. Regiments of the line are generally commanded by lieutenant-colonels, and until this change took place regiments of Militia were commanded by full colonels. The result was, that if a Militia regiment was quartered in a garrison town, the colonels of Militia would take the command of all the lieutenant-colonels commanding regiments of the line, who might happen to be there stationed. This, of course, was a very undesirable state of things, and it was under these circumstances that my noble Friend the Secretary of State for the Home Department made the alteration to which my hon. Friend has referred, and decided that, in the case of new appointments—not interfering with those which had already been made—regiments of Militia should be commanded by lieutenant-colonels only. It is obvious that if lieutenant-colonels commanding Militia regiments were to receive the pay of full colonels, they would be paid at a higher rate than lieutenant-colonels commanding regiments of the line, who are not only in command all the year round, but are also liable to be called out upon foreign service.

COLONIAL CHAPLAINCIES IN VAN DIEMEN'S LAND—QUESTION.

SIR JOHN PAKINGTON: I wish, Sir, to ask the hon. Gentleman the Under Secretary for the Colonies whether an appeal has been sent home by a clergyman in Van Diemen's Land, in consequence of the Bishop of Tasmania having refused to grant him a licence after he had been appointed to a chaplaincy by the Governor; whether in consequence of the death of the late Bishop of Sydney such appeal is now under consideration by the Secretary of State; and whether he will object to lay the correspondence relating to such appeal on the table of the House?

Mr. FREDERICK PEEL: Sir, the information of the right hon. Baronet is not quite correct. The case in question is not an appeal from a clergyman in Van Diemen's Land, but a joint letter from Sir William Denison, the Governor of the Colony, and the Bishop of Tasmania, under the following circumstances:—There is a vacancy in one of the colonial chaplaincies in Van Diemen's Land, and the appointment by law is vested in the Governor, but the clergyman appointed by the Governor cannot officiate unless he has a licence from the Bishop. The Bishop and the Governor must, therefore, concur in the appointment, but both parties ought to avoid straining their powers, and to endeavour, as far as possible, to act in harmony with each other. In this instance a difference exists as to the person to be appointed, and this difference has become the subject of reference to the Colonial Office. In this state of the matter I think that it would probably be inconvenient that the papers should be produced with respect to the second part of the right hon. Baronet's question. I believe that the late Bishop of Sydney had a metropolitan power over the other Bishops in the Australian Colonies, superseding to a great extent, though not entirely, the metropolitan power of the Archbishop of Canterbury. If there had been a Bishop of Sydney, perhaps an appeal would have been made to him; but I am not aware that he would have had the power of enforcing any decree made by him in any adjoining Australian Colony.

RIGHTS OF NEUTRALS—QUESTION.

Sir FITZROY KELLY: I rise, Sir, to ask the noble Lord the Member for the City of London whether it is the intention of Her Majesty's Government, in the event of a declaration of war against Russia, to adopt any measures having reference to private property on board neutral vessels, or to the searching of neutral vessels, or to the fitting out of privateers; and, if so, whether by Order in Council, or by instructions to the commanders of British ships, or how otherwise; and whether such measures will be submitted to Parliament before they are determined on or adopted. I wish to direct the noble Lord's attention particularly to this last question, because if there are measures in contemplation which may possibly be submitted to Parliament, I should be sorry to press for any further information in the meantime.

Lord JOHN RUSSELL: Sir, there was a good deal of discussion upon this subject the other night, and the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) made a Motion upon it. I then stated that the Government would be prepared before many days to announce their intentions on the subject. There appeared to be a general disposition on the part of the House to acquiesce in the view which I then took, and I cannot now give any further answer to the hon. and learned Gentleman's question than that I hope very shortly to announce the intentions of the Government.

Sir FITZROY KELLY: Will the announcement be made before or after the course to be taken has been resolved upon by the Government?

Lord JOHN RUSSELL: I think it probable it will appear in the shape of an Order in Council, or a declaration on the part of Her Majesty; but I am not sure that it may not be necessary to bring a Bill in Parliament also.

SETTLEMENT AND REMOVAL BILL.

Order for Second Reading read; Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. T. DUNCOMBE said, he begged to ask Mr. Speaker whether, as the noble Lord the Member for London had expressed his intention to introduce clauses into the Bill to prevent the removal of Irish paupers in the different Unions of this country, and as the title of the Bill was, "A Bill to abolish in England and Wales the compulsory Removal of the Poor on the Ground of Settlement," it was competent to the noble Lord to propose the alterations he had announced otherwise than by an instruction to the Committee? The changes contemplated by the noble Lord would entirely alter the character of the Bill, and it was desirable that the House should know what the objects of the measure really were.

Mr. SPEAKER said, the hon. Gentleman had clearly stated the rule of the House, and, if the noble Lord intended to propose the addition of the new provisions alluded to, it would be necessary to move them as an instruction to the Committee.

Lord JOHN RUSSELL said, he thought

there was some misapprehension with regard to the statement he had made. He had not said that it was proposed to introduce new clauses into this Bill, but that, as the construction of the measure would render it very difficult to do so, he would endeavour to effect the object he had stated by another Bill.

MR. STAFFORD*: I think I have just reason to complain that Members of this House do not now, when the second reading is under consideration, actually know what the Bill is we are discussing. The conduct of the Government in reference to this measure had been as unusual as I consider it blameworthy. This most important Bill had been brought forward on the 10th of February, under the title just read by the hon. Member for Finsbury, and the first clause distinctly limited the abolition of the power of removal to the parishes in England and Wales. Petitions had since been upon that understanding presented for or against the Bill from all parts of the country; but, in the meantime, rumours got abroad that the Irish Members had signed and sent in a paper to a Member of the Cabinet, stating that unless the principle of immovability were extended to Irish paupers in this country, they would feel it their duty to oppose the Bill. [*Cries of* "No, no," *from some Irish Members*]. I have not seen the document to which I allude, and therefore I cannot attempt to state literally its contents; but these rumours were so current, that yesterday, my right hon. Friend the Member for Oxfordshire (Mr. Henley) put a question to the President of the Poor Law Board, as to whether the Government were or were not prepared to extend the principle of this Bill to the Irish pauper. The right hon. Gentleman (Mr. Baines) said he did not know whether the provisions of the measure were to be so extended or not.

MR. BAINES explained that his answer of the previous day was, that the question related to Scotland and Ireland, over which the control of the Poor Law Board did not extend; and that, consequently, the introducer of the Bill, rather than he, was the person to answer for its provisions.

MR. STAFFORD: And while this unsatisfactory answer was being delivered in the House, it was announced publicly in both lobbies that Government had acceded to the wishes of the Irish Members, and whatever the precise terms of the arrangement which had then been arrived at, it was clear that it was scarcely fair to the House to make such alterations at such a late period, for all consideration of the Bill, and each petition, whether for or against it, had proceeded upon the supposition that the *status* of the Irish poor was to remain exactly as it was at present.

If, after the measure had been so long before the country, so entirely new a provision as that relating to Irish paupers were now to be introduced, I must say, with all due respect for the Government, that they are practising a kind of deception which will make it impossible for the public to be sure from day to day, or even from hour to hour, that measures brought in a shape they might approve may not undergo such a change, at the last moment, as not only to modify but even to change public opinion concerning them. I regret and protest against such a vital alteration in such a plan, at such a period; and I entreat the Government to bring forward, as speedily as possible, the Bill they intend to propose with reference to Irish pauperism in this country. I must remind the House that the question of the abolition of the Law of Settlement was never approached by any Committee or Commissioners without taking into account the question of the Irish poor, and I therefore ask whether this Bill, having originally professed to guarantee the continuance of the present system, the Government could with propriety come forward, even at the second reading, with an announcement that they had changed their minds. The number of orders of removal, according to the last return laid on the table of the House, amounted for England to 4,240, for Scotland to 383, and for Ireland to 4,823; the number of English persons removed amounted to 10,032; the number of Scotch and Irish were not given, but taking only two to each removal, instead of two and a half, as was calculated by Mr. Coode, their numbers would be 10,412; if I add to this one-tenth, instead of one seventh, as I fairly might, for parishes which have sent in no returns, I find that the immediate operation would be to charge English ratepayers with about 11,000 additional paupers, even assuming that no stimulus were given to Irish immigration by the altered Bill before us. Nor would this be felt in only one part of the country, for I find from the same Return that Irish and Scotch removals have taken place from twenty counties in England and Wales. Surely this element in the general scheme requires, to say the least of it, serious consideration.

Coming, then, to that portion which is as yet before us, I assure the House, that in proposing my Amendment, I have no wish to represent this either as an unimportant or a party question, and I hope, however protracted the discussion may be, Government would find there was no inclination merely to embarrass them. Being a member of a board of guardians in Ireland, and chairman of a board of guardians in Northamptonshire, I have at least experience enough not to dogmatise on subjects like these, which must always be subjects more or less of compromise, and upon which persons with the best intentions may so widely differ. This Bill is only part of a most important question. Whether the poverty of the poor has or has not a claim on the property of the rich, is not here a question;—how far that claim should be extended, what species of property should be exempted, and what subject to it, were not brought under consideration now; there was this proposition, the redistribution of the burden over those classes which were already called upon to bear it; no allusion to any other classes, not even the construction of a machinery which might hereafter be available for the extension of the impost to them. We were told in the Speech from the Throne at the commencement of the Session, that the Law of Settlement impedes the freedom of labour; and that if this restraint can with safety be relaxed, the workman may be enabled to increase the fruits of his industry, and the interests of capital and of labour will be more firmly united. I think, Sir, that if a foreigner visiting this country lately had noticed the enormous works which private enterprise had accomplished, the vast masses of men collected to complete those works, the quiet and orderly manner in which they conducted themselves, their separation without riot or disturbance, their reappearance as if by magic in some distant part of the country, there to engage in similar employments, he must be convinced, that any statement about labour not being free, was, to say the least of it, overdrawn. We have indeed before us at present, in the strikes in the manufacturing districts, a melancholy instance of the disunion existing between "capital and labour;" but I put it to any one, whether that strife between capital and labour has any, even the slightest, connection with the law of settlement and removal. While we find the agricultural poor have endured a period of high prices without the slightest attempt at combinations, without even a murmur, and that the solitary instance of this "disunion" had occurred in the very spot where it was impossible to trace its connection with the operation of the present poor law, surely the evils said to arise under the existing removal law, were not such as to call for its entire abrogation. My opinion is that while there may be defects and abuses in its operation, while there may be faults in its details, and while a reform may be called for in some of its arrangements, there is no case made out for a total repeal of this law, a repeal which, I believe, would not be welcome to the labouring poor. What, to take an illustration from a subject now absorbing all our interest, what had been the humane arrangement made by the Horse Guards for the soldiers' wives and children left here by those who had gone to the East? It provided that the soldiers' wives and children having been deprived of their husbands and their fathers, should, at all events, not be separated from their friends, but should be sent to their respective homes at the expense of the State. They were sent to their parishes, and that was a humane arrangement; but by this Bill the poor man was alone to be relieved at the place of his destitution, and was not to have his feelings with regard to home or friends at all consulted. Was it to be presumed, then, that he had no such feelings? are we to pay no such compliment to the poor? To call every removal a harsh and unkind removal was entirely erroneous; but, except under such erroneous apprehension, how could the House sanction the first part of the present Bill? The second provision of this Bill, namely, that which proposed union rating, was not so intimately connected with the first part as to belong in any way, necessarily, to the same measure; and I think it a great mistake to suppose we cannot remedy the abuses of the present law without, at the same time, destroying the whole parochial system. Now, let me, Sir, consider how this parochial system works in relation, first, to emigration, then to occupiers, and, last, to owners of real property. First, as to emigration—according to the last Poor Law Report, the money spent in 1852 by parishes in emigration was 14,961*l.*, by unions 492*l.*; the number of emigrants sent from parishes was 3,127; from unions

144. Hon. Members may, therefore, pronounce that, as 144 is to 3,127, so will be the stimulus to emigrating under the proposed, as compared with the stimulus under the existing system. Then as to the occupier—let a labourer come for employment to a farmer, he employs him now for fear of the parish, you say he would not employ him if that parish were the union —and this you boast of!—but why will not the labourer be employed? Because the farmer is to share the increased rate with so many others that he is indifferent to it; or, in other words, that his interest in local management being as nothing, he has no fear of increasing the aggregate of pauperism in the country; but let us hear Mr. Tufnell before the Committee of 1847.

> "Tufnell, 3,075. I have no doubt that at present a vast number of labourers are employed, not because they are wanted, but because they have settlements in the parishes. To employ a man, however, on that ground, is merely a concealed way of making him a pauper, and the effect of a union rate would be to throw a great number of those of course upon the rates (for a short time at least), but that would not necessarily increase the amount of pauperism, it would only display it. At present, we do not know what the amount of pauperism is in the country."

At this rate, every Christmas-box, every aid from private charity is blameable, as tending to conceal the pauperism of the country; but how if we conceal it altogether? who would grieve, except a few Commissioners, who never will understand how far better than the prudence of the head is that wisdom of the heart which binds all classes in one bond together? I, therefore, ask the House not to legislate altogether for the strong and the young, for those best able to fight their own way through the battle of life; but, if they found the present poor law—according to the mixed motives which actuate us all, tending to obtain employment from the farmers for the old, the crippled, and the infirm—not to blame altogether—although political economists might—the operation of such a code. Now, as to the owner, for I will take an extreme case, the owner of a whole parish—I am not going to blame or to praise the owners of this class of property, I put their case as a matter of business, as we have been perpetually told that land is a mere manufactory, and is to be treated of, and legislated for, on purely commercial principles—the owner of a close parish has in it now some dwellings, too few it was said, but at all events good dwellings for the poor—the owners of cottages in open parishes built them badly, and charged a high rent—the effect of the present Bill would be to deteriorate the value of the good, and to increase the value of the bad cottages. As this point is of great importance, I must trouble the House with some extracts from the evidence published in 1847:—

Mr. Stafford

> "The Docking Union Resolution states that 'they (the poor) are transferred as tenants from the property of a large landowner, where the rents are usually moderate, to that of the small proprietor, with whom the rent is more an object as an income, and, therefore, more frequently high in proportion.'—Chadwick, 2,027.
>
> "G. Pigott, 3,414.—A man finds that cottages bear a very high rent indeed, and will get by accident, perhaps, possession of an acre of ground, and will run up a number of cottages upon that small freehold with a view to investment.
>
> "3,417. Landed property generally belongs hereditarily to gentlemen, so that the sort of cottages they would build, would not give them anything like a return for the money laid out.
>
> "Captain Robinson, Rep. p. 81.—'In the towns which are surrounded by rural districts, where this scarcity of cottages exists, cottage property generally finds favour with retired publicans, tradesmen, and builders. They reside on the spot: they look closely after their rents, which, from the scarcity of buildings outside the towns, are exorbitantly high. They generally run up a cheap and inferior tenement, and as their profits are large, they have a strong inducement to multiply the worst description of dwelling-houses for the poor.' —p. 104.
>
> "'Bricklayers and carpenters, in order to find themselves work, buy small lots of ground, and crowd upon them small tenements, run up at the least possible expense, for which they charge very high rents relative to the accommodation provided.'—p. 129."

I do not say the owners of these cottages do wrong or right—I pronounce no opinion —but I take the Bill as a proposed remedy for the evil whose existence was admitted, and I ask, how will it advance us one step towards a remedy? Now, let me give a statement, the first put forth by Mr. Commissioner A'Beckett, of the case of a close parish:—

> "Sir Henry Bunbury.—His estate is one of those which have been brought to the very highest condition in cultivation, and in the class of tenantry the estate is prosperous in the highest degree. The labourers rent excellent cottages, with, upon an average, about half an acre of ground by way of allotment, for about from 3*l.* to 3*l.* 10*s.* each. These gardens and allotments appear to be perfectly cultivated, and on the whole the aspect of the place is that of a model."

Mr. A'Beckett goes on to give instances of removals from this parish, and the very first two cases are those of W. Buckle and S. Denell. And why? Because their sons were poachers. How will your Bill meet these cases? But apart from poaching cases, I ask any Gentleman connected with landed property whether he ever remembered a single case in which the owner of a parish, or the two or three owners of a parish, were anxious to enlarge its size. The whole system of rural life—the whole connection between the landlord and the villagers—proceeded on a different principle. The charities, the discipline, the education, in a village tended to prevent the proprietor from desiring to extend the limits of his parish. A large landowner would never build a row of hideous little houses at all; and in the cottages he did build he looked to next to no return for his money, cottages being notoriously, on commercial principles, the very worst possible investment. Well then, again I ask, does any one for a moment imagine that this Bill will induce the owners of close parishes to build?—the only remedy for these evils—evils, let me add, which have been materially aggravated by the operation of the Five Years' Act, the entire failure of which should be a warning against rash legislation upon this subject. Is it possible that we gravely propose to mulct the owner of good cottages for the relief of the owner of bad cottages, and then hope that this very mulct will be an inducement to him to invest more of his depreciated property in this worst possible investment? I deny that this measure will be a boon to the poor, for it will not encourage employment by its first clause, or gain them better dwellings by its second. The right hon. Gentleman has been, on the first reading of this Bill, complimented by some Member opposite on having "grappled with this great subject." I deny that he deserves this eulogy. To have deserved it, before making such vast changes as are now proposed, the right hon. Gentleman ought to have consolidated all the Statutes on this subject. There was the cognate question of assessment, in itself sufficient to occupy a night in its discussion, yet no mention was made of it. Again, why had the right hon. Gentleman eluded altogether any assessment of extra-parochial lands, whose very quantity was unknown, but which could not be less than 200,000 acres? In all parts of the country the ratepayers were aggrieved by the existence in their localities of lands as valuable as their own, in many instances more valuable, which were yet exempt from taxation. Let me read the statement from a Poor Law Boundaries Commissioners' volume:—

> "Francis Howell, Esq., Report, p. 126.—Adjoining Nottingham, and within a quarter of a mile from the market-place, is a very valuable property belonging to the Duke of Newcastle, called Nottingham Park; it is extra-parochial, and consequently exempt from parochial contributions. It is built upon, and the ground-rent of the houses is generally 1*s*. the square yard. These houses are inhabited by the wealthy manufacturers and professional people of the town, whose warehouses, and whose places of business, are in the town of Nottingham. This happy region is looked upon by the ratepayers of Nottingham and Radford—for it also adjoins that Union —with very wistful eyes, and they complain, as I think, with some degree of justice, of its immunity from all burdens for the support of the poor."

Then, again, there was the question of the present size of the Unions; every witness who gave any opinion at all on this point to the Committee agreed that the Unions must be remodelled. Mr. Tufnell, Q. 3,126, "Thinks some Unions too small." Mr. Gulson, Q. 1,302, "Thinks that Unions must be remodelled;" and Mr. Pigott being asked, Q. 3,614, "Would it be necessary in your judgment to have some revision of the limits of Unions as a preparatory measure?" answers, "Unquestionably so, as I think it (Union rating) would be perfectly nugatory in many instances." Mr. Chadwick says:—

> "Some of the rural Unions are only equivalent to parishes, and there is reason to apprehend, in respect of them, that the circumstances which affect labour prejudicially would still remain in force if they were left unaltered."—*Chadwick*, 2,041.

The 4 & 5 *Will.* IV. c. 76, s. 32, authorises the Poor Law Board to alter the size of the Unions, but enacted—

> "That no such dissolution, alteration, or addition, shall take place, or be made, unless a majority of not less than two-thirds of the guardians of such Union shall concur therein."

As, however, no Union did concur, the march towards centralisation proceeded to the 7 & 8 *Vict.* c. 101, s. 66, which authorises the Commissioners there to divide, &c. "without the concurrence of the guardians of such Union;"

> "And they may, if they see fit, cause a Board to be elected under provisions of said Act, for any single parish separated from any Union, notwithstanding the provisions of any local Act in force in such parish."

The Commissioners, in their very last Report, show how well they can use this power without the least reference to the wishes of the guardians or ratepayers.

> "We have deemed it expedient to divide the Anglesey Union, and to form some of the pa-

rishes separated from it into a new Union, under the name of the Holyhead Union; others of the parishes have been added to the Bangor and Beaumaris Union, while the remaining parishes constitute the present Anglesey Union.

"We have also combined thirty-one parishes and townships, situated in the neighbourhood of Ripon, with that city, and have formed a new Union by the name of the Ripon Union."—*Fifth Annual Report, P. L. B.*, p. 111.

The House would understand that while the system of rating by parishes remained, and the establishment charges were so light, these powers of the Poor Law Commissioners were comparatively unimportant; but how different will be the case when, for the purposes of rating, every Union becomes one single parish! a parish which the Commissioners by a stroke of the pen may divide into as many portions, or attach to as many other parishes, as they think fit. Before, therefore, the right hon. Gentleman brought forward this measure, and before it proceeded any further, there ought to have been laid upon the table of the House a schedule of such proposed alterations, so that the question might be really placed before the House, and that all those hon. Members interested in particular localities might know what they were going to vote for, and how much their rates were to be increased or diminished. Before that schedule is in the hands of hon. Members, I contend that they ought not to place the whole real property of England in the hands of the right hon. Gentleman: this would be the case, because if they did not know how the Commissioners were going to use this power entrusted to them, and there never was a case in which they risked so much, nor an arrangement of complicated legislation which would bestow such large powers upon the Board at Whitehall. I entreat those hon. Gentlemen who might be inclined to vote for the second reading of this Bill, to remember the evidence of all the witnesses examined before the Committee upon this subject, to remember the animus of Somerset House, to remember the jealousy of our Constitution with regard to any interference with private property, and to require information as to what was going to be done with this property before they consent to pass the Bill. Besides, what security had this House that this would be a final measure? It was impossible not to trace in the Bill the hand of one whose abilities I do not wish to depreciate, but who has no sympathy with, and does not understand, the people of this country—I allude to Mr. Chadwick. This gentleman stated distinctly, "I never recommended or relied on anything but a staff of paid officers." It was plain, then, that he put forward this measure as an advance to a national rate, and to that which he said he alone depended upon, "a staff of paid officers." Here the House really had the whole case before them. They could see from this the advance towards absolute power which these gentlemen were making, and hon. Members knew, from the frightful facility which the Chancellor of the Exchequer had exhibited in raising the income tax, how easy it would be to raise a national rate by the same terrible machinery. This, then, was not a final measure, and if the House destroyed local superintendence and local management, the question must thenceforward be discussed on totally different grounds. The struggle once begun would then never stop until the principle was conceded of a national rate, and the subjecting of all kinds of property to it.

Pass this Bill, and there will still exist a fierce battle between "close" and "open" parishes; the "close" parish being funded property;—that "close" parish now employing our brave sailors and soldiers in its defence, ready at their return to cast so many of them, worn out and crippled, on the "open" parish, *i. e.* the real property of the country, for support, and this battle would continue till Parliament merged these two great parishes into one, and subjected all property to one common burden. I, as one who have nothing but real property, should have all to gain by such an arrangement; but I believe both principles contained in this Bill to be false and perilous, therefore I oppose it. Its first part assumes the poor man to be so low an animal as to be satisfied with food wherever it may be flung to him, and that he cannot have a feeling for his native village home. But does the evidence bear out this? Do we not find throughout, these sharp Commissioners perpetually complaining of the "stupid prejudice" of the poor in favour of their settlement? This aforesaid stupid prejudice I believe to be one of the best affections of our nature—the love of home: do we not share it with them? Why, then, in them should we refuse to recognise its existence? thus drawing another line of demarcation—God knows there are enough already between us and them!—by saying, when once you leave your home, not one shilling shall aid your return to it, but your exile shall be eternal!

And for the second part of this measure, in vain the right hon. Gentleman calls it a final one, in vain he protests against a national rate. There is no medium between a parochial rate and a national one; all intermediate lines are merely fanciful, and the hope of maintaining them is an idle hope.

Norwich, and the Isle of Wight, and Docking, far from being any argument in favour of this great change, are the strongest arguments against it, showing how plastic and pliant our present existing system is. I ask, therefore, the right hon. Gentleman to withdraw a scheme whose tremendous simplicity accords well with our complex state, and to give us a Bill which may remedy the evils we all of us acknowledge, without involving the greater evils so many of us fear. If inequality of rating be not an injustice, why do you disturb our parishes? if inequality of rating be an injustice, how can you stop at our Unions? and when once you have passed our Unions, can you, after what you have heard to-night from the noble Lord (Lord J. Russell), expect that you can stop at this island, while a hundred Members from the other side of the Irish Channel demand equal justice for their poor? Vote for this Bill if you please, but vote for it under no such delusion. I oppose it, not from a desire to embarrass the Government, not from any motives of a party character; but I perceive you are about to let the stream of pauperism flow at will over the whole country, and when those dark waters shall have risen so high as to flood our ancient landmarks, and force you to expedients you yourselves now deprecate, I believe none more than you will regret that you disregarded warnings such as this; none more than you will feel that it was an evil hour in which you unnecessarily attacked the arrangements of property, and unjustly impaired the birthright of the poor.

Lord DUDLEY STUART said, that in seconding the Amendment, he must deprecate the matter being treated as a party question; and that the difference between his political views and those of the mover of the Amendment proved that they were not actuated by party views. The Bill had two distinct objects, the abolition of removals, and the alteration of the area of rating. It was, in fact, two Bills; and to give full effect to its provisions a third Bill ought to have been added to it, making it applicable to Ireland. He understood this would have to be done to enable Ministers to carry the Bill; if so, he hoped it would not be carried. If he were an Irishman he would never support a Bill which made a distinction between England and Ireland. But he objected to this Bill as regarded both countries. He did not wish to see the power of removal taken away, either as between parishes in this country, or as from this country to Ireland. He believed that it would be injurious both to ratepayers and the poor. He saw in it a tendency to bear hardly upon the poor man. The ratepayers in large towns would also find their burdens unjustly increased; for if paupers once knew that they could come and throw themselves on the large towns with no power of removing them, there would be an immense influx of that class, and the amount of local taxation would be greatly increased. The only means which the ratepayers would have of defending themselves would be by a harsher treatment of paupers, thus endeavouring to keep them away. This would make the condition of the latter class worse than ever. Instead of schools and other institutions being established for them, every endeavour would be made to keep down the rates. It was, of course, a hardship on the poor not to be able to go where they liked; but it could never be contended that they should go and claim relief wherever they chose. Giving the right hon. Gentleman who introduced the Bill (Mr. Baines) credit for ability and the most praiseworthy intentions, in dealing with the Poor Laws, he could not but think that he had drawn an exaggerated picture of the effects of the present law of removal. It was not the usual practice, at least not in Marylebone, to remove a pauper the moment he became chargeable to the extent of a single loaf of bread; this was only done where paupers were likely to become permanently chargeable. The right hon. Gentleman had not even stated the law correctly; for a man could not be removed who was chargeable through sickness or accident, unless it were certified to the magistrate that the sickness or accident was likely to render him permanently chargeable. It was said that in some cases removals cost 100*l.*, but he thought these cases were the exception, and not the rule, for he knew that in the metropolitan parishes the average cost was from 5*l.* to 7*l.* A man who returned after removal was certainly liable to imprisonment; but this was under the Vagrant Act; and though it might be a good reason for altering the provisions of that Act, it was none at all for abolishing the Law of Settlement. If the Bill passed, they would have hundreds of thousands of Irish poor coming to this country, and there they would remain. A return of the number of Irish poor relieved in this country in 1847, would show the frightful consequences which might ensue from abolishing the right of removal. There were 7,864 Irish poor relieved in 1847, in the parish of Marylebone; in the parish of St. Pancras, 7,660; in the parish of St. Martin's-in-the-Fields, 11,587. In Liverpool, there were relieved in that year no less than 47,194 Irish poor, and in two parishes of Glasgow, 30,000. The expense in the case of Liverpool, was 20,000*l.*, and in the latter 29,000*l.* It was true that a famine prevailed at that time in Ireland; but they were legislating for bad times as well as good, and such consequences as those he alluded to should be guarded against. He thought the House ought to have the whole measure before it in order that they might be able to come to a right determination on the entire question. With regard to the substitution of a union for a parochial rating, he believed that that proposition would lead to a confiscation of property in many parishes. He looked upon this measure as the first step towards a national rating. Nothing, in his opinion, was more precious than the right of self-government. It was to the habit of attending to their local affairs that they were indebted for all their greatness, and they should be cautious ere they struck a blow at that system. He, therefore, begged to second the Motion of the hon. Gentleman.

Amendment proposed—"To leave out the word 'now,' and at the end of the Question to add the words, 'upon this day six months.'"

Question proposed—"That the word 'now' stand part of the Question."

Mr. KER SEYMER said, it was somewhat new to see a Member for a metropolitan borough seconding the Motion of a county Representative. It was evident from this, that the question would not be discussed on party grounds, but he thought the fact might suggest some misgivings on the part of those county Members who were going to oppose the Bill. He had certainly hoped that, in making a change of such magnitude as was involved in the present measure, some little breathing time should be allowed them before they were called on to consider the application of the principle of the Bill to their Irish fellow-subjects. The noble Lord (Lord J. Russell) had intimated, in reply to the question which had been put to him that evening, that it was intended to introduce a similar measure with regard to Ireland; but that fact would not prevent him (Mr. K. Seymer) giving his support to a Bill which he considered to be for the advantage of the English labourer. He thought the period had arrived when the British labourer must be set free from the trammels in which he was now held. At present a labourer, on finding himself not doing well in his own parish, left it to seek work elsewhere. He went to another parish and obtained employment, but at the expiration of a short time he fell sick, and was removed to his own parish. Having recovered his health, he would return to the place where he had found work before. Misfortune, perhaps, again visited him, and he then became, according to the present law, a rogue and vagabond, or an idle and disorderly person, and liable to be sent to prison. He had seen several letters from English emigrants to Australia giving glowing descriptions of the country and the gold regions, but they contained no remittances. If the English labourers followed the noble example of the Irish in this respect, there would be such an exodus from this country as would surprise many. With regard to the objection that the Bill would interfere with the parochial system, he thought that a good deal of confusion prevailed on that point. The parochial system, for church purposes, was invaluable; but it did not follow from that, that it was equally good for affording relief. The clergyman, or the squire, or the squire's lady, did not ask a man about settlement when they were giving relief. That was solely reserved for the overseers. He would go further, and say that the tendency of the parochial system was to pervert the best feelings of their nature. In his part of the country, where coals were comparatively dear, a subscription had been entered into to supply the poor with coals, but some persons threatened to withdraw their subscriptions if they were given to the unsettled poor; and those who acted thus were by no means hard-hearted men. He believed that, in consequence of the present law, for one man who left his settlement and was returned to it a pauper, 100 were prevented from leaving home in search of work. In the petition from the parish of St. James, Westminster, one of the objections urged against the measure was, that it would confer on the most worthless people of society the right of choosing their own residence. But they forgot that by the present law the good labourer was as equally prevented from choosing his place of residence as those whom they called the worthless. In the petitions from St. Pancras and Marylebone, it seemed to be assumed that if this Bill passed, the labouring class of this country would all become like vagrant gipsies. He denied that any such result would follow. It was a libel on the people of this country to say so. Hon. Gentlemen seemed to be misled by the precedents of former time. The system of clearances would not occur in this country. One of the worst results of the present system was, the effect it had on the character and position of the labourer. At present, in confined parishes, the employer could make little distinction between the labourer of good character and the labourer of indifferent character; he must employ him without asking many questions. The present system, also, induced the farmer to employ as many labourers as he possibly could, in order to prevent them from being a burden on the rates, the tendency of which was to reduce the general level of wages. [An HON. MEMBER: Dorsetshire.] An hon. Gentleman cried out, "Dorsetshire," but he begged to tell him that Dorsetshire was not the only county in the West of England where wages were low; and, if wages were low in Dorsetshire, he believed it was owing to the operation of this very law. The farmer of this country was exposed to competition with all the world; and, if the principle of buying cheap and selling dear was the true one, why should the farmer be blamed for buying his labour cheap? He was not in favour of low wages. On the contrary, he would do everything possible to raise wages, but the tendency of the present law was to keep them down. Mr. Franklin, a very intelligent person, who gave evidence in favour of the present law, said that it had the effect of forcing persons to exert themselves in order to find work for the labourers, and that if it were altered, he, for one, would set up machinery. He believed that if he did so, he would find that in the end he would be obliged to employ as many, if not more, labourers than he did at present; because every process by which machinery was substituted for the sinews of the labourer, in the rougher descriptions of work, called forth a higher quality of labour on the part of the men, and therefore a higher rate of remuneration. He believed that the effect of the alteration of the law would be to make the whole Board of Guardians more careful with respect to the cases of relief that came before them. He saw no reason for the supposition that the present alteration would ultimately lead to a national rate. With regard to the question of rating, he should be glad if the right hon. Gentleman (Mr. Baines) made a concession with respect to the time. He would suggest that it should be extended to fifteen or twenty years, instead of the time proposed in the Bill. Whilst in favour of the measure on the whole, he must protest against the injustice of rating real property only in respect of occupation for the purposes of the poor-law. He was aware of the difficulty of altering the system, but, if that difficulty was insuperable, it ought to be considered in adjusting the general taxation of the country. He would only say this in conclusion. Let not Gentlemen be disappointed if they did not see an immediate improvement in the condition of the labourer. Let them not be surprised if unforeseen evils should arise, because it was impossible to uproot any long established system without producing some evil; but let them endeavour to meet those evils by appropriate remedies, and not by recurring to the cruel principle of removal.

MR. DRUMMOND said, that the difficulty he felt in speaking of this Bill arose from its being only a fragment of a great measure, or, perhaps, one of several measures, the co-operation of all of which was necessary to produce the end which the right hon. Gentleman (Mr. Baines) proposed to attain. He had every disposition to receive with respect any proposition coming from the right hon. Gentleman the President of the Poor Law Board; but (perhaps from the power of association, which they all knew was very strong) he (Mr. Drummond) could not detach this measure from the first dread which he felt at that great alteration of the Poor Law which took place in 1834 or 1835, when, among the arguments used by the Government of the day, it was gravely contended that every institution whatever, which tended to the relief of the poor, including even almshouses, hospitals, and infirmaries, was a positive evil. And he could not help remembering that all the promises made by the Government to the country at the passing of the new Poor Law had been grossly broken. When the Poor Law Commissioner visited his (Mr. Drummond's) neighbourhood, he put this question to him pointedly, "What are you going to do after you have pulled down the workhouses, almshouses, &c., and established one great Union, with persons of reduced circumstances, who have, perhaps, formerly lived in affluence?" and the answer distinctly given was, that provision should be made by which those persons would not have to associate with their inferiors, not inferiors in point of wealth, but in point of education, habits, and so forth. Now, he need not remind the House that nothing of the kind had taken place; and he knew at this moment the widow of a lieutenant colonel of Marines, who was an applicant for admission to a London Union workhouse, and who was only deterred from entering it by the dread she felt of being obliged to hear the language of those unhappy persons with whom she would have to associate. The language of all the petitions that had been presented on this subject manifested an ardent desire for the relief of the ratepayers; but the way in which he looked at the measure was altogether as to how it would affect the poor, and whether it would benefit them, or the contrary. He held in his hand a copy of a petition which he presented in 1834, and to every word of which he then and still subscribed. He could say now, as he said then, that the poor had a right to relief, which was prior to the right of the ratepayer to the property for which he was assessed. The hon. Gentleman who spoke last surely must be aware that the parochial system of this country was intimately bound up with the relief of the poor. He must know that it was to the parish, as a religious segment, that the poor were specially committed. Some supposed that the right of the poor arose in the time of Elizabeth, but the fact was it arose from the common law long before a Statute was in existence; the common law referred us precisely to the parishes, and there was no true reform which did not revert to first principles, instead of overthrowing and destroying them, and inventing a new system. By the common law it was ordained that the poor should be sustained by the parsons and rectors of the parish, and the parishioners, so that none of them should die for want of sustenance; and it was also ordained that if poor people, to avoid famine, stole victuals to sustain their lives, or clothes to prevent themselves from perishing of cold, they were not to be adjudged to punishment, if it were shown that they could not obtain those articles by other means. Blackstone said that the only reason why this was not still in force in his time was because the Statute law provided a sufficient means for the sustenance of the poor. Now, this system had been nearly put an end to, and he (Mr. Drummond) believed that this Bill would have the effect of cutting away the only remaining connection between the Church and the poor. The Bill would have many effects which were not now foreseen. The plan to make all labourers casual poor must drive the labourers to the towns, because there was continually increasing work in the towns, but there was not in the rural parishes. He remembered that the cry about close parishes originated in the *Edinburgh Review*, which was commenced by a parcel of impudent young Scotch lawyers. Than this cry, nothing was more inconsistent with the facts as they practically existed. In his own neighbourhood he knew of gentlemen who were continually building cottages, for which they could get no rent. The thing was very charitable and benevolent, but, politically speaking, exceedingly absurd. The case in the close parishes that he had seen was always this:—the land had already been all cultivated, and there were no means by further cultivation of employing more people, so that the new cottages were completely surplusage, and no wonder their owners could obtain no rent. Notwithstanding this, it was said that close parishes were kept up by pulling down the labourers' houses, and forcing the men into the adjoining parishes, where they would become chargeable. It was now said that the labourers should have residences provided for them near to their work. Well, was the House going to adopt the Scotch system? Any hon. Gentleman who had read the last number of the *Proceedings of the Royal Agricultural Society*, would find that there was annexed to every farmhouse in the Lothians of Scotland a range of cottages. But pray what did the word "cottage" there mean? Was it a scene of Arcadian virtue and felicity? There was a single room, in which all the members of the family—father, mother, brothers, and sisters—were obliged to herd together like so many pigs. Sometimes, indeed, in the towns, there were a "but" and a "ben," or two rooms; but in most cases, he was sorry to say, there was only a "but," and no "ben." In addition to this, there were certain miserable hovels called "bothies." In these Scotch bothies the labourers employed in agriculture all the year round were housed, and into them also came the extra labourers who had left the mining districts, and also the Irish, and there they were all put, the Scotch into one "bothy," and the Irish into another, crowded together in a manner which could not be properly described without the use of language unfit for that House. Yet this was the way in which they talked of "freeing" the labourer. Again, it was absolutely necessary that we should look at the manner in which the Poor Law in Scotland was carried out, which was a very different law from that which prevailed in either England or Ireland; otherwise, if care was not taken we should have the pauper population of Scotland flocking to this country, and casting themselves upon it for support. A favourite phrase with those who called themselves political economists was that, if settlements were done away with, the inequalities of the labouring population in different districts "would find their own level." People who talked thus were generally wrong in their major premise, or they begged the question. The very illustration they used was a fallacy, because they talked of labour finding its level like water. In the first place, it was not true that water found its level, or how came it that the great Pacific Ocean was several feet higher than the Atlantic? A poor man in the south of England, hearing of work in Hull, for instance, could no more remove his wife and family there than he could take them to Australia. Again, there was such a thing as labour being congealed as well as water, and then it would not find its level. Congealed labour, *ex necessitate rei*, could not possibly, from circumstances, free itself, do what they would. There was another great fallacy with the political economists relating to machinery and the division of labour. The division of labour was an admirable thing certainly, but admirable for the consumer and not for the labourer. Was it a good thing for the poor man that he should know nothing in the world but to point a pin?—was it a good thing for another man that he should know nothing but to head a pin?—or for a third, that he only knew how to silver a pin? Just as labour was subdivided, so articles were cheapened, but the working man was worse off. He might illustrate this by an anecdote. A gentleman told him (Mr. Drummond) that when distress prevailed in Lancashire some time ago, a number of weavers came to him for employment in agriculture, and to keep them from begging he set them to digging; but his bailiff said that he had better give them 1*s.* a day to keep them out of the way, for they would do more mischief than they were able to do good. Now the Poor Laws were the Magna Charta of the poor. It was these alone that they knew as being to them the constitution of this country. The Queen, the Legislature, and the Government were to them embodied in the magistrate, the constable, and the Union; and beyond these they knew nothing. If, on the examination of this Bill, and several other Bills which the right hon. Gentleman must introduce, he (Mr. Drummond) found that the labourers were to be benefited, he should give the right hon. Gentleman his support; but if this was to be a question of mere saving to the ratepayers, he would vote against this species of legislation.

MR. RICE said, his own experience of close parishes was that the owners of those parishes pulled down the houses of the labouring poor where they existed, or did not build them when they were needed, and where they did not exist. One great benefit of uniting the parishes into Unions for the purpose of settlement would be, that landlords would be induced to build cottages for their labourers. At present it was known that many labourers had to walk several miles every morning to their work, because they could not obtain cottages in the parishes where their labour was expended. There had hitherto been an abundance of labour in the country, but there was every prospect of there being a deficiency. If so, landlords would be glad enough to build cottages to keep men near them to perform their work. He supported the present Bill on another ground—namely, that it would do away with that unjust provision of the law which required a man to reside five years in a parish before he obtained a settlement. A further benefit that would result from the Bill was that it would suppress vagrancy, which the present state of the law very much tended to promote. The Bill would make the area of relief coextensive with the area of administration, which he considered to be a very desirable enactment. It would be not only a great advantage to the poor, but to the ratepayers themselves. In some agricultural districts the labourers were paid 15*s.* a week, while in others they were paid only 10*s.* and 11*s.* Now, he believed that all this would find its level when the wants of the labourers were made known. What objection would there be in communicating from one parish or district to another what the wants of each district were, so that labour and wages might in that sense find their level? To both districts a benefit would accrue—both labour and wages would be equalised. There was nothing more true than that a fair day's work should have a fair day's wages; but it was equally just that for a fair day's wages should be given a fair day's work. He believed that this Bill would have a tendency to produce both those results, and he should therefore give it his cordial support.

Mr. CHRISTOPHER said, he would state very shortly the reasons which induced him to give his opposition to the Bill now before the House. Having carefully examined this measure, and having, ever since the introduction of the present Poor Law, paid some attention to the practical working of the Law itself in his own district, he felt convinced that this measure, instead of being a benefit to the industrious poor, would be a very material injury to them. It appeared that the object of the right hon. Gentleman (Mr. Baines) was, by equalising the poor rates over the Union, to abolish the system of compulsory removal of the poor which now prevailed; but he (Mr. Christopher) confessed that he thought the enactments in this Bill would be calculated more to benefit that class who had no fixed place of residence, and who wandered over the country, and might obtain a settlement in any parish they chose, rather than to benefit those industrious classes whom he had no doubt the right hon. President of the Poor Law Board sincerely desired to serve. Indeed, the class which he (Mr. Christopher) thought would be most benefited by the measure would be that roving class whose labour competed most effectually with that of the industrious poor resident in the different parishes of the country. Speaking of the agricultural districts, and putting aside the propriety of compelling one parish rated at 10*d.* or 1*s.* in the pound to bear the burdens of the adjoining parish that might be rated at 5*s.*, he would confine himself now to the probable effect of the measure on the industrious poor themselves. A great deal had been said during this discussion about close parishes and open parishes, but he (Mr. Christopher) had seen more employment for the industrious poor in close than in open parishes; and his own impression was, that the present mode of administering relief compelled the open parishes to employ those poor which would be chargeable to the whole Union if the Bill passed, inasmuch as there would then be no such motive for employing them. He (Mr. Christopher) remembered once having seen from twenty to twenty-five able-bodied men, with large families, belonging to an open parish, come up and demand relief in a period of agricultural distress; and there was no remedy but to send them to the workhouse. What was the effect of this? The rate of maintenance in the workhouse was so high that the men did not remain there above a fortnight before the parish to which they belonged found it much more economical to employ them and to give them moderate wages than maintain them entirely in the workhouse. Now, if this Bill had been in operation at that time, these persons would have been chargeable on the whole Union, and it would not have been for the interest of their parish, as it was now, to take them out of the workhouse and employ them; but they would have remained shut up as inmates there during the whole of the winter, or whilst the agricultural distress lasted. They would have lost their little property. They would have felt that they had no parish, and nobody to look after their interest; and it was not likely that the Union would have employed agents to transport them from one end of the kingdom to the other in quest of labour. Nothing could be a greater degradation to industrious people, and nothing was more disliked by them, than an enforced residence in a workhouse. The agricultural labourer was not a person so easily moved as hon. Members seemed to suppose. He had relatives, connections, and attachments in his own locality, and it would scarcely be practicable to remove him and his family from Cornwall to Northumberland, or from Northumberland to Cornwall as some imagined. He (Mr. Christopher), therefore, held that this Bill treated the whole system as a theory, without regard to its practical working. With regard to the alleged deficiency of cottages in the close parishes, he would remark it was notorious that wherever cottages were required they would be sure to be built for the benefit of the persons who owned and occupied the land as well as for the good of the labourer. He would admit that it was a hard case that when an individual had acquired an industrial residence of five years in a particular parish, he should be removed to a great distance; but that evil might be remedied without having recourse to such a sweeping and wholesale change as this Bill. They might easily make these persons removable to any parish in the Union, or to an adjoining Union, and allow persons belonging to a parish at a greater distance to become chargeable where they were, until their settlement was ascertained by law. At present many Unions at a distance paid for paupers resident in other districts. This would be an easier and a simpler remedy than that proposed by the Bill, as well as more effectual. Allusion had been made to what would ensue to the rights of property if this Bill should pass. Now, would it be possible to have a uniform scale of rating for property? This could not be left to parishes. The operation of the Bill was to be spread over ten years; but still it would be impossible to leave the rating of property wholly to parishes. It was a serious question as to the principle on which a general valuation should be based. He apprehended it would be a very expensive operation, and might introduce a system of expense which he, for one, until he heard some satisfactory explanation as to how it was to be carried out, was not prepared to encounter. The hon. Member for Dorsetshire (Mr. K. Seymer) had said that the Bill would set labour free; but his (Mr. Christopher's) opinion was, that, instead of setting labour free, it would force a number of deserving men to be inmates of the workhouse, and the consequence must be that, from the number of persons in the workhouses, they would be obliged materially to increase the size and staff of the workhouses. No greater evil could exist in any district than to force able-bodied men willing to work into the workhouses, because they could not find labour. Another very material objection which he had to this measure was, that he thought it would materially interfere with the rights of property. He did not know what might be the case in many of the manufacturing districts, where the system of rating was nearly uniform over the whole district; but there were other districts, in which there was a great inequality with regard to the value of property and the mode of rating it. He would take the case of the town of Boston, which consists of one parish, containing about 20,000 inhabitants; and what was the case there? The rate is there from 5*s.* 6*d.* to 6*s.* in the pound, while in the adjoining parishes it is about 10*d.* in the pound. The pauper population of Boston are not of a very creditable description. So far as the agricultural districts were concerned, they would rather those persons were removed; and what right had Parliament to compel these agricultural parishes to contribute to the support of these vagrants? It might be said that the operation of the measure would be extended over a period of ten years, and that it could not be a great hardship; but it was to the principle that he objected. The hardship also was great, because whether a man was robbed of his property at once or ten years hence, if he were alive, the effect would be the same. A person about to purchase property always considered what were the rates in the parish. If he found that in a rural district the rates were 5*s.* or 6*s.*, of course he would not desire to purchase property there, but would prefer to purchase it where the rates amounted only to 1*s.* in the pound; and after making his purchase in the parish where the rates were 1*s.*, was it right for an Act of Parliament to lay additional taxation upon him, by raising his rates by a measure of this kind, 2*s.* or 3*s.* in the pound? He was convinced that in agricultural districts the measure would inflict a grievous wrong upon the industrial poor themselves. The circumstance of maintenance in the poor-house being high forced the parishes to get employment for the poor, but they would cease to employ them when their maintenance was scattered over forty or fifty or sixty or eighty parishes; and the consequence would be that they would have many of the able-bodied and industrial poor passing the winters, and a great portion of their lives, in the workhouse, instead of being employed, and receiving a fair day's wages for a fair day's work. He objected to it still further, because it introduced a system that would remove the ancient landmarks of the constitution of this country. If they destroyed the parochial system in regard to the relief of the poor, they might destroy it in other respects. It should be upheld as constituting that system of self-government on which they all prided themselves in this country. His opinion was, that if they extended the system of relief over whole Unions, they would destroy a wholesome practice; and for that, and the other reasons he had stated, he was prepared to support the Amendment of his hon. Friend (Mr. Stafford).

MR. POLLARD-URQUHART: Sir, I hope I may be excused for saying a few words on the subject. I think that this House, I think that this country, I think that the owners and the cultivators of the soil in this country, above all, I think that the working men of this country, owe a deep debt of gratitude to the right hon. Gentleman for the task he has undertaken. Sir, I appeal to the common sense of every one, if both the cultivators and owners of the soil—those whose object it is to make a profit by raising as much produce at as small a cost as possible, and those who are entitled to a certain share in the profits of cultivating the soil—are not much benefited by a Bill which frees them from a very damaging restriction in the choice of labourers, which the law, as it now stands, imposes on them. I ask if any more seasonable boon could be conferred on those who, perhaps not without some reason, complained of the difficulties in which they were involved by unrestricted competition, than by allowing them unrestricted choice in labourers. The agriculturists complained, not unjustly, of the difficulties which they had to encounter, fettered as they still were by many restrictions in contending with the farmers of other parts of Europe who were not so fettered — in short, they used to complain, not without reason, that free trade as yet was only one-sided; that, though they were exposed to foreign competition, their own industry was anything but free. Well, then, the right hon. Gentleman proposes to free them from one of the greatest fetters by which their industry has been cramped. Sir, I would ask any unprejudiced person, could our cotton, or silk, or cloth manufacturers have commanded the markets of the world if they had been subjected to a law which virtually limited them in their choice of labourers to the dwellers in one small locality, and often obliged them to take even the weakest, the laziest, and the most unskilful of these? Yet such, Sir, has been shown to be the present effects of law as regards our agriculturists, who have now to contend with the corn growers and cattle dealers of the richest soils and finest climates of Europe. Again, Sir, I think that a great boon will be conferred on the labourer by opening and extending the market for his labour—by allowing him some chance of rising to be something more than a mere pauperised workman, the situation in which the present laws almost compel him to remain. Sir, I think that we have abundant evidence to show that the effects of the law as it now stands as regards both the farmers and the workmen are such as I have described them to be, and require that some effort, at least, should be made to remedy them. I think that the principal objections which I have heard urged against the Bill of the hon. Member come under three heads: 1st, the diminishing the individual responsibility of landowners in looking after the labouring classes on their property; 2ndly, the increase of rates, and the consequent derangement of existing interests that may be caused by the change proposed by the right hon. Gentleman; and lastly, the difficulty of removing the Irish poor. With respect to the first of these objections, I think that the time is now gone by when any patriarchal supervision of the labouring classes can be continued; whatever advantages this system may once have had, and I do not wish to undervalue or to depreciate these advantages, I think that they are utterly inapplicable after Parliament in its wisdom has been pleased to sanction unrestricted competition. I think that this system of patriarchal government, this stimulating the landowner to provide for the labourers on his estate, has, wherever it has been carried on to any extent, produced effects that have been injurious and most demoralising to the labourers themselves. Sir, it is evident that the effects of a system which stimulates the farmers and landowners to look after the labourers in their immediate neighbourhood must be to cause them to employ their labourers as much out of charitable motives as for the sake of profit—in short, to a great extent, to find the pay for the labour, and not the labour for the pay. And, Sir, I believe that the experience of all who have employed labourers in this manner themselves, or watched the effects produced by this charitable employment, will bear out the truth of the assertion, that where labour is given for the pay, and not the pay for the labour, inefficiency is a matter of course. The effects, then, of this patriarchal system, which encourages people to find employment out of charitable purposes, must be to produce and encourage inefficiency in the bulk of the labourers. The more inefficient the workmen are, the more likely will they be to get employment to keep them off the rates—the more they do to keep themselves off the rates, the less will others do for them. The more industrious, the more frugal, the more independent they are, the less likely they are to get employment. Sir, I think that a very striking portraiture of the fruits of this system is thus given by Mr. Carlyle:—

> "Incompetent Duncan M'Pherson, the hapless incompetent mortal to whom I give the cobbling of my shoes, and cannot find it in my heart to refuse it, the poor drunken wretch having a wife and ten children—he withdraws the job from sober, plain, competent, and meritorious Mr. Sparrowbill. This discourages Sparrowbill, teaches him that he may as well drink, and loiter, and bungle—that this is not a scene for merit or demerit at all, but for duping, and whining, and flattery, and incompetent bungling of every description."

Perhaps you may think this mere German humbug, of no possible utility in practical life. Sir, I appeal to every country Gentleman in the House, who has attended to the affairs of his own parish, if facts that have come under his own notice do not abundantly bear out this somewhat fantastically expressed, it may be, but nevertheless singularly veracious representation of Mr. Carlyle. I could refer to the evidence of farmers, clergymen, and Poor Law Commissioners in abundance to corroborate it. Hear the opinion of Mr. Pashley, Q.C., who has perhaps written the best treatise that we possess on Pauperism and the Poor Laws; whose extensive researches, and whose ample information on the subject, render his opinion peculiarly valuable. Sir, I find that Mr. Pashley says,—

> "The selection of labourers during the winter is made with a mere view of keeping down the poor rates, and in total disregard of the character and skill of the candidates for work. A single man, of unblemished reputation, an excellent workman, is certainly the first to be thrown out of employment, especially if he should have saved as much as will keep him for two or three months; and the ill-conducted spendthrift, who has a wife and family, will as certainly have employment given to him, in order to save the parish from a heavy weekly charge for so many months in the Union workhouse."—*Pashley on Poor Laws and Pauperism.*

Does not this exactly bear out Mr. Carlyle's portraiture? I appeal to the experience of every one in this House if such is not the case in almost every parish in England — certainly in every parish where rates are levied for the support of every able-bodied poor. Sir, there are two such remarkable specific instances of the practical results of this system mentioned by witnesses examined in the inquiry of 1833, that I cannot avoid referring to them. A gentleman examined before that Committee stated that he once congratulated his bailiff on the prospect of inheriting a small property in right of his wife. The man's answer was, "It will do me no good, for I shall the less be able to get employment." The other is that when the clergyman and several neighbouring gentlemen were endeavouring to establish a savings bank in the parish, the clergyman addressed his congregation after service, urging them to make provision for age and want. He said, that one or two persons asked him afterwards, whether their savings would not be more for the benefit of their parish than of themselves, and that such, in a very short time, became the conviction of the whole body. He himself was forced to acknowledge that this reasoning was too true. Such, Sir, are the effects of this individualising the duties of property—this encouraging the landowners to look after the poor on their estates, this stimulating the farmers to find employment—in short, of this patriarchal system of Government which hon. Gentlemen are anxious to have continued in the latter half of the nineteenth century. Truly, its effects seem to be to discourage industry and frugality, and to encourage idleness and extravagance. Oh! but, perhaps, it may be said that these evils are the inevitable effects of any system of Poor Laws, and that if the argument is good for anything it ought to be for abolishing a State provision for the poor altogether. Sir, I acknowledge that, to a certain extent, every system of Poor Laws may be said to encourage improvidence and idleness, or, to speak more correctly, not to discourage improvidence and idleness to the extent that they would be discouraged, did no such provision exist, inasmuch as any law which is enacted for the avowed object of preventing death by starvation, and warding off extreme destitution, diminishes the penalty affixed by nature to these vices, by making them cease to be capital offences against the law of nature. But, I ask, may not these evils, even allowing them to be, to a certain extent, inevitable, be considerably aggravated by the mode of administering the law? Now, Sir, I do think that the law, in its present state, does very much discourage the actual penalties that, concomitant with any law to prevent destitution or starvation, might still be affixed to idleness and extravagance. Sir, I think that it will be allowed that the penalties which are still actually attached to pauperism — the penalties which are still undergone by those who are at any time supported by public charity must vary very much according to the feelings, the character, and the previous position of the recipients. To a labourer or an artisan who has attained a comparatively independent position—to one, for instance, who has been foreman in a factory, or receiving more than ordinary wages in consequence of the degree of skill which his labour requires—to one who has risen to a position which has enabled him to enjoy somewhat more of the comforts and decencies of life than is enjoyed by most agricultural labourers, and to entertain a certain degree of self-respect—to one, in short, who has something to lose, it is often sorely grating to apply for parochial relief. I believe that the sufferings to which men are sometimes exposed in this manner are among the sorest to which humanity is subject, and which many men would almost sooner die than undergo — in short, we know that some do actually commit suicide from the fear of being obliged to do so,—and that they do entail a severe penalty upon improvidence and idleness. But the necessity of applying for relief entails no such penalty on those who all their lives have never been more than one degree removed from pauperism—all of whose relations, and all of whose associates, have probably at some period of their lives applied for parish relief—whose constant condition in life has been oscillating between that of a pauper and the lowest description of an agricultural labourer, whose wages, perhaps, do not enable them to command any more of the comforts or enjoyments of life than is afforded by the parish relief—who, perhaps, have never known the feeling of self-respect. I ask you, Sir, is not the penalty affixed to idleness and improvidence reduced to a minimum in the case I have last described? And is not the effect of the law which it is sought this night to amend, to keep as many as possible of the agricultural labourers in this state? In short, if I may use the language of Bentham, is not its effect to maximise the number of those to whom the penalties of idleness and improvidence will be minimised? Am I, then, correct in asserting that the effects of this law are to render as great as possible the evils that appear to be more or less inseparable from any system of Poor Laws? Sir, another, though, I acknowledge, perhaps a less important consequence which results from this law, is the encouragement which it appears to hold out to proprietors to clear their estate of labourers—to cause them almost to annihilate the cottage accommodation for labourers near the probable scene of their work, and to drive them into the purlieus of the villages, thereby entailing on them the extra labour of walking several miles to the scene of their labour, and forcing them to reside in scenes anything but favourable to their morality. Sir, I have read with some attention the pamphlet of my hon. Friend—as I hope I may call him—the hon. Member for Worcestershire. I acknowledge that his researches have led me to think that the effects of the encouraging to clearing, which certainly appears to be given by the present law, may have been exaggerated; but still I cannot help thinking that the clearing system, and the forcing of labourers into villages, has, in some degree, been caused by this law; and that, as far as it has existed, its effects have been most pernicious and most demoralising to the labourer. My hon. Friend has referred to many places where this practice has not been carried on, to any great extent at least. If he will allow me, I will refer to one where it has been carried to a great extent, which I have no doubt is only a specimen of many others. I find in the evidence of the Poor Law inquiry of 1833 the following statement:—

> "Castle Acre is what is called an open parish, and is owned by several proprietors, while the neighbouring parishes are closed ones. The proprietors of the last not only allow no new cottage to be built, but even let the old ones fall into decay; their resident population is therefore greatly reduced, as the labourers are forced to leave them, and come and reside in Castle Acre. Thus, while the adjoining parishes there have not hands enough left to cultivate the soil, Castle Acre is over-stocked with inhabitants, who do not properly belong to it, who are, generally speaking, the worst characters in the parishes whence they come. The competition of these new-comers raises the house rent throughout the parish; and, as they are at the mercy of those who have land at Castle Acre, they are forced to pay exorbitant rents for very wretched dwellings. From these two causes, namely, the excess of labourers in Castle Acre, and the defect of them in neighbour-

> ing parishes, sprang the gang system of employment. The neighbouring occupiers wanted hands, and applied to a person in Castle Acre to supply them. This was easily done, owing to the great number of persons living there all anxious for employment. As the only object of the gang master is to fulfil his contract, he regards the labourer solely as a living instrument, valuable only in proportion to its available power; hence all sorts of characters from all the neighbouring parishes are mixed up in the gang, male and female. The necessary and inevitable result of this system is that three-fourths of the girls become prostitutes."

Here, then, is a specimen of the result of patriarchal government in the nineteenth century. Here is the effect of continuing a law for the purpose of stimulating landowners to do their duty. And can it be supposed that this Castle Acre, in the county of Norfolk, is a solitary specimen? Is there any county, is there any division of a county, that will not furnish its Castle Acre? Hear also what the concluding observation of the gentleman is whose account of Castle Acre I have quoted:—

> "I believe that those who first unintentionally and unknowingly caused the mischief can alone cure it: I mean the neighbouring landowners. If those 103 stranger families who now swell the amount of crime and misery at Castle Acre were living in their own parishes, Castle Acre would not now be reproached as the roof of all the scrapings in the country, its own native population would be uncontaminated by the refuse of other parishes, the gang system would naturally cease, and Castle Acre would no longer be what it now is—the most wretched rural parish I ever saw anywhere."

Sir, the present age is fruitful in philanthropic associations and plans of benefiting the labouring classes. Who has not watched with interest the efforts of the hon. Member for Shrewsbury to provide secure investments for the labourers? Who has not received papers innumerable containing schemes for improving their dwellings? Sir, whatever opinions may be entertained of any single plans for such schemes, I am sure there is no one who does not wish well to the object they have in view. What then shall we say to those who really and sincerely do wish well to these objects, and yet continue a law which manifestly tends to counteract them—a law which has, I think, been shown to discourage frugality and saving in the labourers, and to encourage landowners to pack them in crowded dwelling-houses in insalubrious situations. Really, while this law continues, the benevolent gentlemen, who are the promoters of these schemes, seem almost to undergo the classical punishment of being condemned to keep pouring water into a cask which continues to run out by a hole underneath; and they surely ought not to oppose the efforts of the right hon. Member to stop the hole which has hitherto rendered their efforts vain. Sir, I have heard many of those who hold a different opinion on this subject from that which I maintain, refer to the state of Ireland when the present Poor Law was enacted in 1847, and quote the almost unanimous demand of the owners of property to have the areas of taxation narrowed, for the sake of individualising as much as possible the responsibilities of property. But, Sir, I think that the very peculiar and exceptional state in which Ireland was at that time might very well have required some sort of exceptional legislation, and the very circumstance of the state of the country at that time being so exceptional, may very well justify a presumption that the legislation that was required to meet it must have been exceptional also. Sir, at that time the root which was the principal article of food of three-fourths of the people, had been annihilated by a mysterious visitation of Providence; it was absolutely necessary that a large portion of the population should be supported by charity in some form or other, whether administered in direct alms or in the wages of labour given from charitable motives; it was in this case thought desirable that the people should be employed for merely charitable purposes, and for this reason many thought it expedient that the owners of the soil should be stimulated as far as possible by motives of self-interest to give what charity employment, if I may use the expression, they could; and that this stimulus could not be better applied than by narrowing the area of taxation, and so individualising the responsibilities of property. But, Sir, this forcing farmers and owners of land to employ people out of merely charitable motives, though it might have been required in the then peculiar state of Ireland, is essentially an unsound and vicious principle. I have already alluded to the demoralising effects that it has produced, and cannot but produce, and I trust I have shown that the very reasons that might have made it seem to many requisite for Ireland at the time—namely, that circumstances had pauperised nearly three-fourths of the population—ought to make us fearful of continuing it, unless we wished the people to remain pauperised. If we wanted any further proof of these evils, we have only to refer the very instance now quoted to confirm the inefficiency of labour given for merely charitable purposes. Does not every evidence we have of the mode in which money was spent on the roads, or in the Labouchere drainage, bear testimony to the saying, that when labour is given for the pay, and not the pay for the labour, inefficiency is a matter of course? But it would be needless to dwell on this subject in the presence of many Gentlemen who have so long been crying out day and night, "Restore us our ten millions." Let us then take warning by the way in which the ten millions were then squandered away; and if we do not wish a large portion of the agricultural capital of this country to be year after year squandered away in the same manner, in employing pauperised labourers, let us get rid of the system which forces the cultivators of the soil to have a great part of their work done by labour of this description. Sir, I own that it is with great pain that I touch upon the last of the objections raised by hon. Gentlemen opposite, namely, that which relates to the removal of Irish labourers. I deprecate and regret the tone which has been used regarding them. Really, Sir, to hear the tone of hon. Gentlemen, one would think the immigration of Irish labourers was a pure and unmitigated evil—that the only effect produced by it was the displacement of English labour—that they did nothing but take the bread out of the mouths and the wages out of the pockets of English labourers, and added nothing to the wealth or the wages-paying fund of England. Why, Sir, where would have been the great wealth and great capital of England at this instant, if there had not been a constant immigration of labourers from Ireland? Could England have attained her manufacturing superiority if she had not been able to command an abundant supply of cheap labour from Ireland? Could the English, unaided by the Irish, have constructed their vast system of railway communication? Where would have been all the capital now represented by the railway shares, if it had not been for the Irish labourers? Where would have been the wealth of the hon. Member for Sunderland? Does not all this wealth and all this capital add to the labour-employing fund of the country, and react upon the English labourers themselves, the very parties who may fancy themselves injured by the competition of the Irish? Are there not many English who are clerks in railway stations, superintendents, inspectors, engineers, and in other such places, who would not have been in these situations of comparative independence, if Ireland had not found labourers to do the rough work? Sir, those Irishmen who used to complain of the impossibility of any trade existing in Ireland, in consequence of its inability to withstand English competition, were constantly told that the great manufacturing seats of industry in England were as open to the Irish labourers as to the natives of Dorsetshire and Devonshire; that the proportion of food grown in Ireland and sent to England was not greater than that sent from the agricultural to the manufacturing districts of England; and that, if England took Irish food, it also supported Irish labourers. Are we now to have the Irish labourers, who have added so much to the wealth of England, and whose claim for employment and support is admitted to be as good as that of the English labourer, subjected to hardships and rough treatment, from which the English labourers are exempt? Have they no claim for support on the vast amount of wealth which they have helped to create? Is the relation between the two countries to be brought to this—that England is to be the seat of wealth and industry, and Ireland to be the charnel-house of worn-out and debilitated paupers? Sir, I do sincerely hope that Gentlemen who are anxious that the union between the two countries should be complete—who wish that all reminiscences of bygone differences and jealousies should cease—will reflect seriously upon the consequences that must flow from such language—upon the irritation that it is likely to produce. I do hope they will let the Irish see that, if they are exposed to the disadvantages which a union with and centralisation in a larger and wealthier country undoubtedly entails upon them, they are not to be debarred from its advantages—that, if part of their wealth is absorbed in that of England, the enjoyers of that wealth are not trying to shrink from the duties as regards them.

Mr. BUCK said, he thought the measure, if adopted, would afford an inducement to persons to leave their homes who would take advantage of its provisions in a way that would cause the increase of vagrancy and add to the taxes upon the ratepayers. He believed it was one of the most unjust propositions that could possibly be brought forward. He had received an analysis from a noble Lord the chairman of the Union next to the one with which he was connected, and on carefully looking into what would be the change in the Union to which it had reference, if this Bill were passed, it would almost justify the strong expression that it would amount nearly to an entire confiscation of some of the property. It would appear that an agricultural parish that had to pay last year 211*l.* would have to pay 361*l.* if the proposed change were made, and the increase would be in that proportion throughout. He believed the measure would not be for the benefit of the labourer, and that it would be much better to leave him to the good feeling of those who would look after him than legislate in the way they were doing, whereby they were throwing such an unjust burden on that class of property which was taxed much more than any other.

SIR GEORGE PECHELL said, that it had been remarked that this measure should not be discussed as a party measure; and he was very glad they had come to that way of thinking, because he recollected the course that had been taken on a number of occasions, when he had been obliged to rise in the House on that very subject of amending the Poor Laws. Much praise had been given by the hon. Gentleman, who had moved the Amendment, to the right hon. Gentleman the President of the Poor Law Board, and in that praise he concurred, though certainly it was an uncommon thing to give praise to the Poor Law Commissioners. He must, however, state that he felt great pain in opposing the right hon. Gentleman, for he had always experienced the greatest courtesy from him; but he felt he must still continue to carry on the war against the Poor Law Board, which he had done for the last eighteen years. The Poor Law Commissioners had been sent to scour the country in order to get up evidence to please the political economists, who had completely earwigged his right hon. Friend. The right hon. Gentleman in the course of his speech laid great stress upon several cases which bore with peculiar hardship on the removal of the poor, and no doubt the Commissioners selected those cases of evidence which they thought would give most pleasure at Somerset House. But it ought to be remembered that there was hardship in every case of removal, and that it was not confined solely to the removal of paupers. He was glad, however, that it was not proposed to interfere with local Acts, or with the parishes which had been incorporated under Gilbert's Act. He could not see any advantage that would occur from the adoption of this Bill. If they agreed to take charge of the poor belonging to Ireland and Scotland, though the principle in itself might be good, yet its tendency would be to divert the stream of emigration which at present flowed into Australia and Canada, and to divert it wholly into this country. Why, he believed that with the present development of the railway system, they would have persons taking trips with day tickets, and making choice of the parishes which would suit them best. He could state that the guardians of the poor in Brighton were opposed to this Bill, as they had been opposed to the five years' Bill of 1846. The effect of that Bill upon the poor rates in Brighton was this, that 430 families, containing 1,203 individuals, who had no previous claim to the parish, were relieved in one week in January, 1847, at a cost of 110*l.* 10*s.* If that was the case under the Bill of 1846, he wondered what the effect of this new Bill would be. As to the present law of settlement blocking up labour, he would take the evidence of Mr. Lumley, Secretary to the Poor Law Board, who said he did not think that the law of settlement would prevent people from moving about in search of work, or that it was any impediment to the free circulation of labour. He would remind the House that, although this was said to be a question specially affecting the interests of the poor, still there were many persons only one remove from poverty who paid rates, and their interests ought to be consulted as well as those of others. Painful as it was for him to differ from the right hon. Gentleman, he could not avoid giving his strongest opposition to the second reading of this Bill.

MR. KENDALL said, he must apologise to the House for obtruding himself upon their attention; but as he had given the subject great attention, and as he had for many years acted as chairman and vice-chairman of a Poor-Law Board, he ventured to offer his opinion to them. He felt convinced that the operation of this Bill would cause a great increase of expense to the ratepayers; but that expense, he believed, would be cheerfully borne if the many evils of the Law of Settlement were redressed. He could not be blind to this fact, that the moment the law was passed, thousands of men would not do another atom of work. He alluded to those men whose love of locality was so strong, that they would rather go to the workhouse where they lived than go abroad in search of employment. Still he had witnessed so many of the miseries of forced cases of removal, that he would be very glad to see the Law of Settlement abolished; therefore this part of the Bill met with his approval. There was one evil in forced removals which had not been talked of—the moral evils which it gave rise to, and the frightful temptations to perjury which it occasioned. He had seen parties who, up to that time, had borne a fair character; he had seen the struggle carried on in their mind between the love of home and the love of truth; he had seen the love of truth give way, and then he had seen the clever attorney break down their statements on cross-examination, and extract the truth from them as it were piecemeal. Another fact of the evil was, that it fell heaviest upon the weaker sex. If a man lost his wife, he generally contrived to get along in the world notwithstanding; but if a woman lost her husband, she was sent to her husband's parish, among scenes and persons whom she had never before seen or heard of. From his own experience, then, he was strongly in favour of the abolition of removals. But there he would stop. He was not in favour of extending the area of rating from parishes to Unions. At present every case underwent a careful and rigid scrutiny. But if the area of rating was extended over the whole Union, the attendance of the guardians would be few and far between, vigilance would be relaxed, and that necessary scrutiny would not take place which ought to be observed; and wherever that was the case, they might depend upon it that the impostors would flourish, while the deserving poor would suffer. Anything more dangerous than the Union plan of rating, he could not conceive. As an illustration of its working, he might mention the case of a friend of his who purchased an estate in a parish where the ordinary rate of assessment was 1*s.* in the pound, while in the parish immediately adjoining it was 4*s.* If these two parishes were joined, as they would be under the new Bill, his friend, in the course of the next four years, would have to pay 7½ per cent more than he was now called upon to pay—that was to say, his property would be confiscated to the extent of 7½ per cent. But there could be no doubt that, in a short time, the rate of assessment would be increased over the whole Union, so that he might set down the confiscation at 10 per cent. Nor was this the only form of the evil; for in East Cornwall, which he had the honour to represent, the following would be no uncommon case:—Suppose that there was a union of agricultural parishes, and that in one of them a mine was discovered. Immediately the other parishes would be drained of their population to supply the demand in this mining parish; and at the end of ten years, in all probability—for these mines were soon exhausted — the parish would be left with an enormous population, without employment, and 19-20ths of that burden would be thrown upon those parishes which had suffered in the first instance. He thanked the House for the kindness with which they had listened to him whilst giving a few practical hints, and he trusted other hon. Members, of as humble pretensions as himself, would follow his example, and impart that practical knowledge to the House which they claimed from their intimate acquaintance with the affairs of the districts in which they resided, and with which, as country gentlemen, and magistrates, and landlords, they were conversant.

MR. VERNON SMITH said, he was of opinion that this measure should be treated as one exclusively affecting the interests of the poor, and also that it should be divested of all party feeling. As a proof that he wished so to treat it, he would begin by saying that he agreed with the hon. Gentleman opposite, who expressed his regret at the course Her Majesty's Ministers had taken in the alterations they had made in the Bill. If those alterations were determined on, they should have been introduced from the first; and he, for one, had such confidence in his right hon. Friend's (Mr. Baines') mature judgment, that, without meaning any disrespect to his Colleagues, he had no hesitation in saying he preferred it to that of any other Member of the Government. He hoped, however, that the announcement which had been made would not influence the votes of that evening—that it would still be considered as a Bill affecting England and Wales alone, and that they would leave for a future opportunity the discussion of the Irish part of the subject. Further, that if hon. Members were prepared to vote for the abolition of the

Law of Settlement, they would at least agree to go into Committee, even though they were opposed, as the hon. Member for East Cornwall (Mr. Kendall) was, to the increase in the area of assessment. The Law of Settlement was in a very curious position in this country. With regard to that law, no one could tell why it was passed in the reign of Charles II. The preamble itself was a strange one, and was wholly inapplicable to the present state of society. It stated that there were many persons who squatted in waste places and burned down woods, and that therefore it was desirable to have them fixed in one place. But there was no such thing now. There was no disposition to squat, there were few uninclosed places, and there was no desire to burn down woods. Ever since the law was passed its alteration or abolition had been the object of every statesman who spoke, and every philosopher who wrote upon the question. Until the hon. Member for West Worcestershire (Mr. Knight) published his pamphlet, no "great authority" had appeared on the other side whatever. He considered that hon. Member an authority, because he appeared to have applied himself diligently to the subject, but he did not think the hon. Gentleman had dealt fairly with the evidence of the Poor-Law Commissioners, who were all against the Law of Settlement, as well as the Committee of this House that sat in 1847. It had been said that under the present system labour was free. Now, he denied that labour was free, because the labourer was dogged and marked, and care was taken that he was confined to one particular place. It was very well to talk of the "parochial tie;" but, so far as his own experience went, this "parochial tie," particularly in some agricultural districts, was really a prison tie. It had been said that the parochial clergyman and his wife when they administered relief did not inquire where the man came from. He could not accede to the justice of this observation, for he believed that in nearly all cases the first inquiry would be whether the applicant belonged or not to the particular parish. He had even known the same distinctions applied to education. A gentleman might wish to send a sharp clever lad to school, and doing so, the first question was, "Does he belong to our parish?" He had himself found these things great grievances among the common people; and he was satisfied, from what he had seen and heard, that a change was necessary. A case had occurred in his own neighbourhood. A most intelligent labourer was about to emigrate to Australia; he asked him why, as he had good wages and was comfortably off. "Because," he answered, "I have been a slave for twenty years." He (Mr. V. Smith) was shocked at this expression, and, on further inquiry, the man told him he had resolved to emigrate, because he found he could not move off the estate. This was a practical evil, which the measure now before the House would stop. Although there was plenty of work in one county, and plenty of labourers in another, and though the labourers were nominally free, yet they were not so practically, and therefore could not avail themselves of the best return for their labour. To a certain extent he was aware that such an alteration as that proposed was a speculation; but seeing the evils which the present system engendered, and looking at them as they existed, they could only hope that the remedies provided by the measure for future times would have the effect which they all desired, and he was glad to observe that this desire animated all who had engaged in the debate. He did not believe in what had been said that the power of removing the poor to the place where they were born caused no pain, or created no evils, for he thought that the removal of every poor person, perhaps to a place where they were entirely forgotten, must have the effect of creating great pain and suffering, particularly as they were oftentimes "carted" off and sent away compulsorily. When, therefore, the hon. Member for North Northamptonshire (Mr. Stafford) spoke of its being a happiness to be sent back to their native parish, he (Mr. V. Smith) would ask, did he ever see any happiness existing under such circumstances—circumstances which induced the Poor-Law authorities to look upon the poor with much detestation, and as a nuisance, rather than with feelings of pleasure? He regretted having to say that he thought the Poor Law checked private charity to a great extent; for what could be said of that kind of charity which was doled out at the instance of avarice? A charity which paid sixpence at a time present, to avoid having to pay a shilling rate at a time future, could not be spoken of as a virtue. It was such evils as these that made it desirable to get rid of the practice of removal altogether; and one of its attendant benefits would be the getting rid also of litigation—a point which had hitherto been somewhat overlooked. He especially recommended to the consideration of hon. Members the enumeration of the evils attending the Law of Settlement made by his right hon. Friend (Mr. Baines); but passing to the other topic, he begged to say that he should support the extension of the area of chargeability for the reasons which had been impugned by his hon. Friend opposite (Mr. Stafford). The misfortune of the open parishes was, that it was the interest of the owners of close parishes to draw their supplies of labour from the open parishes. It had been said that the common law of supply and demand would regulate the amount and remuneration of labour. No doubt; but if proprietors could get their supplies of labour without paying rates or keeping residences, they would do so, and of course they would have an advantage over men who had not the same facilities. He did not mean to say that in so doing landlords acted harshly towards the poor in their parishes; for a man might be charitable, yet not be willing to see his parish overloaded with rates. However, it was extremely expensive to build cottages, and every one knew that they did not pay. He held that every farm ought to have a sufficient number of cottages upon it to accommodate the labourers to whom it gave employment. Union rating, perhaps, would not prevent the erection of cottages; but it would relieve landlords from the interest which hindered them from building. The evil of close parishes was, not so much that cottages had been destroyed, but that none were built. He considered that his right hon. Friend had done well to take Unions as the area of chargeability, for they were, generally, of such an extent, as very seldom to be in the hands of one proprietor or owner, whilst they were not so large as to prevent the attention and responsibility of guardians. The guardians, he believed, did now watch over the establishment charges just as vigilantly as over parochial rates. For these reasons he should give his cordial support to the Bill.

Colonel DUNNE said, the hon. Member who moved the Amendment had mentioned that the Irish Members had met, and agreed to an address of remonstrance to the Government that Ireland was not included in the Bill. This was quite true; and he contended that the Members for Ireland were perfectly justified in this course. For some time past, the course of legislation in that House had been directed towards the purpose of placing the two countries upon the same footing with regard to taxation. If this principle, which had been carried (as he conceived) to an extent that was unjust towards Ireland, were admitted, he thought that the present demands of the Irish Members, that the measure of justice which this Bill demanded for England should be extended to Ireland, ought to be supported and recognised. The noble Lord the Member for Tiverton (Lord Palmerston) had frankly acknowledged the justice of the case. The Irish Members had met, and drawn up a statement of the grievances caused by the removal of Irish paupers from England; and this statement they had trusted to the noble Lord the Member for Tyrone (Lord C. Hamilton); and the noble Lord the Member for Tiverton replied that he had laid the claims put forward by the Irish Members before the Cabinet, and that the Cabinet had unanimously decided that those claims were irresistible. But, after such an admission, he (Colonel Dunne) had been very much astonished that evening to hear the noble Lord who represented the Government in that House say that this subject would be dealt with in a separate Bill—that there were difficulties in the way of introducing it in the present measure which had induced him to decide upon moving for a separate Bill. This was perfectly delusive, and it was not consistent with the representations made by the noble Lord the Member for Tiverton. The English Members were divided on the subject of this Bill as regarded England, but they were nearly unanimous in their objections to extending it to Ireland. However just many of them thought it to restrain the powers of transporting paupers from one parish to another in England, they did not seem to think it equally so to restrain that of sending to Ireland a pauper who probably had spent his best years and exerted his best energies in the unwholesome factory districts of Manchester and Preston, who perhaps had married in England, had children born in, and lived in England the greater part of his life. They did not think it unjust to send such a pauper to some Irish port, and leave him friendless on the shore of a country with which every tie of relationship had long been severed. It was certain that, if Ireland was not included in the present Bill, another Bill for that purpose would be unanimously rejected. This being beyond all doubt, he called upon the noble Lord (Lord John Russell) to redeem the pledge which had been given. It would not, he was told, be competent for him (Colonel Dunne) to move an alteration in the title of the Bill at the present stage; but he should be quite in order, if in Committee he moved to introduce the word "Ireland" into that title. The Irish Members could hardly, under present circumstances, tell what the Cabinet would do; still, they expected, if the Cabinet were so unanimous as the noble Lord the Member for Tiverton had declared them to be, that one of the Members of the Government would on Monday move an instruction to the Committee to make the alteration which they desired. If so, the Irish Members would feel themselves entitled to vote for the Bill; but if they got no such pledge, then they would vote against it. He had already stated that his own conduct would be guided by that of the Government in putting in or omitting the word "Ireland." There was no party question involved in this measure; the Irish Members were only watching over the interests of Ireland, just as the English Members said they were watching over the interests of England. The Irish Members, he believed, were unanimous in their feeling as to this Bill; they did not tie themselves to Union rating or any other detail, but they felt that the Government ought to do them justice in respect to it; for it must be obvious to the whole House that they would not be doing their duty to their country if they did not, at this opportunity, use every exertion to obtain an abatement of the cruelty of removals. They would act very foolishly if they permitted the Government by their assistance to carry this Bill for England, with the certainty that, when a separate Bill was brought in for Ireland, where the popularity of the noble Lord the Member for Tiverton could not press it; unless, therefore, Ireland was included in the present Bill, Irish Members should oppose it. By so doing, they were not placing themselves in opposition to English interests; they were only pursuing a strictly legitimate course, for all they required from the Government was, to do that justice which they had recognised as being due. He must, however, say, that at present he could not think the noble Lord the Member for London had redeemed the promise made by the noble Lord the Home Secretary.

Mr. AGLIONBY said, the question introduced into the debate by the hon. and gallant Member who had just sat down was one of great importance; and he hoped that before the end of the debate, the Government would make a distinct statement of their intentions. On the solution of this question depended not only the votes of the Irish Members, but the votes of a great many English Members too. It was quite clear that the proposition which had been unfortunately raised for the introduction of Ireland, could not, in form, be included in the present Bill; but, on the other hand, the question which agitated hon. Members was this—"Although not in form, is not Ireland substantially a part of this Bill, and by voting for the second reading of this measure, are we not necessarily pledged to support the other proposition?" He repeated that this was a very unfortunate question. He regretted that it should have been raised, for the present Bill as it stood was quite important enough to require the serious consideration of hon. Members, without this additional weight being thrown upon them. With regard to the Bill as it stood, there had been an extraordinary variety of opinions expressed as to its probable effects. But the hon. Member for North Northamptonshire, the mover of the Amendment, had made one observation relative to it, which he considered unjustifiable. He said, that in opposing the Bill he was advocating the cause of the poor. Why, every Gentleman advocated the cause of the poor; but that was not the question. The question was, whether the poor would be benefited by the Bill or not. It had been described as a law to prevent industry, and to stop the poor man from returning to his native place. But there was not a single word in it to prevent industry or to stop the poor man from returning to his native place. He had had considerable practice at sessions, and he must say that he had never seen any great advantage in the law of removal. The fact was, that under the existing law of removal the poor were not removed; they did not receive the great advantage of going from place to place, and enjoy the satisfaction of returning to their native village, for their native place doled out its funds to the parish wherein the poor were located, and thus removal was in most cases prevented. He, therefore, was in favour of the principle of the first clause of the Bill, which provided that in future there should be no power of removal. He disliked, however, the second clause, because it had a tendency to perpetuate the present mode of rating. It amended the distribution, but it recognised, sanctioned, and encouraged a belief that the present mode of rating would be continued for ten years. Now, he distinctly objected to this, because it was contrary to the spirit of the Constitution and repugnant to the Act of Elizabeth. The principle of that Act was, that the wealth of the country should be rated for the necessary relief of the poor, and not a portion only of that wealth, as under present circumstances is the case. Government must grapple with the whole question of rating fully and fairly. They must say, "We will rate property wherever and whatever it is—whether lands, houses, funds, or mortgages." He would not go into this question of how this object was to be achieved; but until the Government dealt with it they would never equalise rating. The mode of distribution proposed in this clause being perfectly fallacious, he objected to it altogether.

Mr. KNIGHT said, he had long since been of opinion that the Law of Settlement was injurious to the poor; but subsequent reflection had led him to arrive at a contrary conclusion; he therefore could not give his assent to the Bill, seeing that it took away that law which had been as it were the title-deed of the poor to relief for the last 200 years. He did not blame the right hon. Gentleman at present at the head of the Poor Law Board for this Bill, for he was bound to say that his administration of the Poor Law had given entire satisfaction throughout the country; but he also felt persuaded that this measure was the first step towards the establishment of that dominant bureaucracy which Mr. Chadwick recommended to the Committee of 1847. It was the product of that harsh and starving party who, in 1834 and 1835, asserted that all charity was wrong, and that harshness and severity were the proper treatment for the labouring classes. Mr. Senior, one of the most active of the old Poor Law Commissioners who held these principles, advocated most strongly, before the Committee of 1847, the abolition of settlement. That gentleman had actually given it as his belief that "what were called severity and harshness in the administration of relief were by far the best things for the labouring classes." Then, again, Mr. Chadwick, another distinguished advocate of the same doctrine, had stated that—

> "By the abolition of settlement, and by doing away with local administration, he would reduce the gross expense of the poor-law system by 1,000,000*l*., out of the 5,000,000*l*. to which it amounted, while he would increase the allowances to the officers."

Mr. Aglionby

The establishment charges of the system were at present about 750,000*l*.; and as it might fairly be supposed that Mr. Chadwick would raise those charges to 1,000,000*l*., it followed that he would reduce the 4,250,000*l*. at present devoted to the relief of distress by not less than 1,250,000*l*. Mr. Pashley stated that 3,000,000 persons were annually relieved, of whom 1,000,000 were children, and 300,000 able-bodied adults receiving temporary relief, leaving 1,700,000 crippled, disabled, or infirm persons. Now, who could wish to take away from these at least one-third of the relief they now received, or who could suppose that the poor would be benefited by such a measure? This Bill was in fact the result of a struggle on the part of property to get rid of the burden and of the duty of maintaining the poor, which had been imposed on them for 200 years by the Settlement Act; for the fact was, that for the ninety years before that Act was passed, the poor could get no relief—their right to it was only a joke. Now when, in 1832, property struggled to get rid of the poor, it was perfectly justified in doing so, because, under the system previously in force, the able-bodied poor could insist on relief, whether they worked or not; but that injustice no longer continued. The workhouse test had enabled property to throw off the burden of maintaining these people; a great migration had taken place from the agricultural counties of Somersetshire, Devonshire, and Dorsetshire, to the manufacturing districts; and at this moment the poor rate was little more than one shilling in the pound upon the rental of England. Indeed, during the last seventeen years it had only once risen to 1*s*. 3*d*. in the pound—the sum which it reached within thirty years after the Act of Settlement was passed. Under these circumstances, he contended that property was not justified in throwing off the burden of maintaining the aged, disabled, and infirm. This measure was not the emanation of the present, but the old Poor Law Commissioners, who long contended for the total abolition of out-door relief, on the gound that harshness and severity in the administration of out-door relief was by far the best method of consulting the interests of the poor. To show the spirit with which those whom he regarded as the real authors of this measure were actuated, he would refer to their evidence before the Committee of 1847. Mr. Coode stated, in answer to the question whether the abolition of the Law of Settlement might not lead to a great migration of poor into certain parishes, answered that this might be met by additional care in the administration of the relief. Mr. Gulson stated that its effect might be that some work might be taken from those who now received it because they had a settlement; but then he said that the work would be done by better workmen, and that the poor who were thrown out of work would get a fair amount of relief. But the Poor Law was not intended for the benefit of able-bodied workmen, but for that of the poor, for whom it was to find food and employment. It was evident to such of them as now received employment on account of their settlement this measure would be an unmitigated hardship. Sir George Nichols was another strenuous advocate of this measure. What were his feelings towards the poor? He told the same Committee that there was a strong feeling at the time the new Poor Law was passed that relief should be confined to the workhouse; and that the then Poor Law Commissioners worked strenuously for three or four years to reduce out-door relief. If he (Mr. Knight) recollected aright, they continued their exertions without, in fact, effecting much reduction, until they were pulled up by the Andover Committee. He believed that if the theories of Sir George Nichols had then been carried out, the people of England would have been driven into rebellion, for he did not think that it was possible that the poor should have been forced into the workhouse or left to starve. The next thing to consider was, what had been the effect of the Law of Settlement? The best way to decide that question was to compare the condition of the poor 200 years ago, when that law was passed, with what it was now. It must be recollected that before that law was passed they had as full a right to relief as they would have if the present Bill passed; and yet such was then their condition, that it was said that some remedy was wanted to prevent them from perishing, old and young, for want of such supplies as were necessary. On the other hand, in 1835, Mr. Senior, in his preface to the foreign communications appended to the Report of the Poor Law Commissioners, stated that their result was to show that the labouring classes of England were in a more favourable condition than those of the continental countries as to the money rate of wages, as to the quantity of produce which they received for their labour, and (with the exception of Norway) as to the rate of mortality. He believed that the enactment of the Settlement Law had been a great element in this enormous improvement. Such had been the result of the present law; what would be the effect of the Bill now before the House? If it were passed, and trade became dull in the manufacturing districts, and the people seemed likely to be out of work for some time, the guardians of those Unions might, by severity, drive them by fifties and hundreds into the agricultural Unions, which, not being able to receive them, must, in their turn, repel them by corresponding harshness. Again, suppose such a strike as that at Preston occurred; the leaders of the workpeople might ascertain what workhouses were empty, might send there the whole of the surplus population of the district where the strike occurred, and thus commence the fight against the masters, after having quartered their army on the country. The Law of Settlement had defended the poor against property, and had prevented those clearances which had taken place to so large an extent in Ireland and Scotland, for want of such a protection to the labouring population. In one parish of Sutherlandshire, in consequence of these clearances, the number of houses had been reduced between 1801 and 1841 from 286 to forty-three, and the population had diminished within the same period by more than 1,200 persons. The decrease of houses and of population was in this instance attributable to the fact that the parish had been turned into six sheep farms. A settlement combined with the right to relief had prevented clearances in England. Before settlement was established, clearances went on and evictions took place to an immense amount in England. The fact was that the great object of settlement was to stop clearances, and it did stop them in England. God forbid that property should ever be allowed to shake off that liability to which it had been subject for 200 years—the support of its settled poor, and that it should ever again acquire that tremendous power which it exercised so ruthlessly before settlement was established. There was another point of great consequence, namely, district chargeability, of the trial of which they had abundance of examples. He contended that no instance of Poor Law had yet been known in any part of the world in which district chargeability had been successful, unless it had been in certain neighbourhoods in which the rich knew all the poor whom they employed. Although every argument in favour of Union rating must be theoretical, there were many instances of the trial and complete failure of district rating. By the 14th of Elizabeth the chargeability was on petty sessional divisions. The consequence was that the poor could get no relief, and they starved. It was found that a Poor Law established upon the principle of district rating was wholly useless. Sir Francis Bacon brought in a Bill to prevent clearances, on which occasion he stated, that clearances had been more rife and more cruel within the last few years than ever they had been before, and that that was in consequence of the system of district chargeability. Then it was that the 39th of Elizabeth was passed, which changed that system. He would mention another instance of the failure of district chargeability. By the 39th of Elizabeth the system of district rating remained in force in the large parishes in the north of England, and that system was continued for some sixty years, but it totally and entirely failed. The poor were driven in every direction, and were left to starve. The remedy adopted was the Law of Settlement, and the abolition of district chargeability, with the division of the large parishes into small townships. One consequence of this arrangement had been, that for the last half century these townships had been more lightly rated than any other part of England. A third trial of district chargeability had been made in the present reign. In 1838, when a Poor Law was first introduced into Ireland, district chargeability was established, but it was soon discovered that the areas of rating were too large, and within ten years it was found necessary to reduce the extent of the districts. That reduction was attended with the same beneficial results which had been experienced in England, and the Poor Law of Ireland had since been a real working institution. It was the forced employment of the poor in England that prevented such an unhappy state of things arising in this country as had so long prevailed in Ireland. Had there been a Law of Settlement in Ireland when that law came into operation in England—and had every township in Ireland been obliged to feed or employ its own population, nearly all the crime and misery which had prevailed in that unhappy country would have been prevented. Much had been said respecting the restriction of the area of labour. In Ireland the area of labour was open enough, and when property in that country became divided into small portions, and either the employment or the feeding of the poor was rendered compulsory, employment would at once begin. If there had been a law in Ireland which recognised the full right to relief of the poor, at the same time that settlement was established in England, he believed that those fearful stories of Irish clearances, which for 150 years had disgraced humanity, would not and could not have taken place. He believed, also, that absenteeism would have been absolutely stopped by such a law; for if the poor had had a legal and recognised claim to a large portion of the income of every landowner, he could not have deserted the country, and gone to Paris or Rome, and left the poor to starve. In England, when a poor old and infirm man was in want, he could get from his parish something to support himself and his family; but when a poor man was in that condition in Ireland there was nothing for him but to lie down in his cabin and die. The law came upon him for everything that he had—for his rent and his tithe; but it gave no compensating provision to him in his hour of need. The poor man in Ireland had not got hold enough on the soil to enable him to become as quiet and contented a man as the English pauper. We might talk of the unruly Irish poor, but history told us that the English poor were far more unruly and rebellious than the Irish were before settlement was established. Let them take away settlement, and drive an Englishman from place to place, and they would find him a more savage and turbulent animal than ever an Irishman was. The consequence of the law in Ireland had been, that they had had to keep 40,000 policemen and soldiers to garrison the property of Ireland against her poorer classes. The effect in England of settlement was, that it settled the people on the soil, and gave them a right to share in the property of the soil to an extent limited only to their wants, and prior to the property of the landlord, and of which the landlord could not deprive them. In Scotland there was also a right of settlement, but as the able-bodied were not entitled to relief, the settlement was to a great extent useless. In a village in Scotland some time ago the owner of some cottages, desiring to get rid of the tenants, engaged a ship to take between 200 and 300 of them to America, but when the ship arrived sixty refused to go. Their houses were then pulled down, and many of the homeless and friendless cottiers, becoming frantic with grief, were driven to seek for shelter in the neighbouring quarries and among the rocks with which the district abounded. Now, had those poor persons lived in England, instead of the Highlands, they would all have been on the poor-roll and been entitled to relief. In the west of Ireland there were whole streets unroofed. Why? To prevent the people who were being cleared taking refuge in them. He might go on, but he thought he had proved that settlement was an advantage to the poor. With respect to close parishes being relieved, as it was said they were, at the expense of open parishes, the evidence was very strong to show that the parish in which a man lived was that which was benefited by his labour. Taking the property assigned to the income tax as a criterion, it was proved by unquestionable statistics that the rates of increase in populous and open parishes had been very much larger than in those which were called close. With respect to the equalisation of the poor rate, the question was whether it was required. He found, on looking into the matter, that an immense equalisation had been going on since the French war—that, in fact, everything which they proposed to do by this Bill had been doing itself by degrees, and the country had been making great progress in this matter in a quiet way without any disturbance. Since the recent alterations of the law the number of removals had diminished from 33,000 to 11,000, and in the same way the equalisation of the poor rate had been going on. In the year 1815 the difference between the highest rated county and the lowest rated county was 3*s.* 11¼*d.* in the pound. Sussex, which was then the highest, was rated at 5*s.* 0½*d.* in the pound, and Northumberland, which was the lowest, at 1*s.* 1¼*d.*; in 1851 the highest was 1*s.* 11*d.* and the lowest was 1*s.* 1*d.*; so that they would see that the process of civilisation had been gradually going on. Much had been said about the evils of a national rate, and the right hon. Gentleman the President of the Poor Law Board had admitted them, at the time of introducing the Bill. If they were to have a national rate, let them have a real national rate, let the maintenance of the poor be thrown on the Consolidated Fund, and the Poor Law abolished. This, however, was not the object of this measure; it did not propose to throw the burthen of providing for the poor upon all property equally; but if it should be passed, and should continue for ten years, they would have the same local taxes levied all over England, and administered by paid officials. With greater county Unions, such as Mr. Chadwick had described, and such as they would ultimately come to if this Bill should pass, it would be impossible for the unpaid guardians to devote their time to the relief of the poor and the administration of the law. Property would lose its influence, the energies of the population would be crippled, and nothing could stave off that state to which France, by a system of centralisation, had already been reduced. The inequalities of the present system were far more tolerable than those which would be introduced if that system should be broken up. At present, if a man bought an estate, the average amount of the local burdens was matter of calculation between himself and the seller, and the price was fixed with reference to these burdens. The inequalities of the parochial system, therefore, were not hard to bear; but if they broke up that system, they would introduce inequalities which would be most unfair, and would, therefore, be hard to be endured. People could hardly realise the immense amount of property which would change hands by this compulsory process of equalisation. An addition of 2*s.* in the pound to the rate of a parish would take every tenth house and every tenth acre from the present proprietors, for the benefit of the poor, and he contended that no case had been made out which could justify such a proceeding, and that all the arguments and all the statistics which had been brought forward in support of it had broken down.

SIR GEORGE GREY said, he had very few words to say upon the present occasion, but after what had passed that evening he was unwilling to give his vote, as he intended to do, in favour of the second reading of this Bill, without making an observation or two upon an incidental question which had been raised in the course of that evening's debate. Assuming that the only question now before the House was the second reading of the Bill, he was prepared to give his cordial assent to it. He believed that the Bill was founded on the only sound principle upon which that amendment of the Law of Settlement could be effected which had been so long and so earnestly desired. It was founded on an accumulated mass of evidence which deserved the greatest attention on the part of the House and of the country; and the hon. Gentleman who had just sat down had proved that it was supported, also, by opinions of the highest authority. He had proved that it was not a hasty measure, and that the proposals which it contained were not now made, for the first time, by his (Sir G. Grey's) right hon. Friend—for the hon. Member had brought before the House a long array of names of persons whose opinions upon this subject were entitled to the greatest weight, and whose opinions he had shown to have been that any alteration of the law must be based upon the principles of this Bill. These principles were two in number—one the abolition of compulsory removal, and the other the extension of the area of rating for the relief of the poor from parishes to Unions. With respect to the first, he was not going to repeat the arguments which were used by his right hon. Friend (Mr. Baines) at the time of introducing the Bill, or he might show that it was a measure calculated greatly to benefit the labouring population of this country. He was content, however, to let this rest on the opinion known to be entertained by the labouring population themselves. He had been astonished to hear the hon. Member for North Northamptonshire (Mr. Stafford), who had moved the Amendment to the second reading, coming forward, as he said, as the chairman of a board of guardians, and speaking of this power of compulsory removal as a boon and a privilege which the poor enjoyed, and which was going to be taken from them. He (Sir G. Grey) should have thought that every one who had had experience of the working of the Poor Law had been aware of the great disinclination which the labouring poor had to subject themselves to this compulsory removal, and of the great difficulty, in consequence of that disinclination, of eliciting from them, when they came to be examined, such facts and evidence as would justify the making of the order. He believed that this Bill, so far as it related to the labouring classes, would materially conduce to their comfort and advance their welfare; and he was therefore prepared to give it his cordial support. The second part of the Bill stood on a different footing. It proposed to extend the area of chargeability from parishes to Unions, and that was a question in which the poor were not so much interested as the ratepayers themselves. Admitting that the evils resulting from close parishes might have been exaggerated, he did not think it would be denied that there were close parishes, and that, with the present area of rating, the pressure of taxation, for the purposes of Poor Law relief, operated most unequally in many instances. He believed that the most effectual relief for such inequalities would be found in adopting the principle of this Bill, and gradually extending the area until it arrived at the point at which it aimed—a Union rate. In taking that course, they made no approach towards a national rate, nor did they impair the principle of local self-government, which would be recognised if this Bill should become law to the same extent as it was now. The tendency of recent legislation had all been in this direction, and he did not think anybody regretted it. Paupers who had become irremovable by reason of residence for five years, under the Act which had already been referred to, were chargeable, if he did not mistake, upon the Union, and not upon the parish, in the same way as vagrants and casual poor, as well as the establishment charges, and he did not know that any evil had resulted from making the maintenance of these classes a Union liability, or that there had been less vigilance or circumspection on the part of boards of guardians in consequence. He might refer also to the fact, that the Committee of 1847, differing upon some points, unanimously expressed their conviction that the law of compulsory removal was a hardship on the poor, that it impeded the free circulation of labour, and that it inflicted a great hardship on the employer, by unduly restricting his choice. These evils had been overlooked by hon. Gentlemen who had opposed the measure, and he had not heard any way suggested in which it is proposed to remove or mitigate them. He should, therefore, he repeated, give his cordial assent to the second reading. But another question had been raised, wholly distinct from the principle of the measure itself, and which he regretted to think was likely to be prejudicial to it. It appeared from the statement made by the hon. and gallant Member for Portarlington (Colonel Dunne) that the Cabinet had been unanimous in their promise that there should be engrafted on this Bill an abolition of the compulsory removal of Scotch and Irish paupers to Scotland or Ireland, whatever their numbers, or whatever the circumstances under which they might have come from Scotland and Ireland to this country. He must confess that, if this had been the decision of the Government, and if they felt themselves bound—and as the hon. and gallant Member, though he hoped he spoke without authority, and under some mistake, had said they were—to support such a measure, as a corollory to the Bill, or as part of the Bill, he should feel himself bound, much as he valued its provisions, to withhold his assent from it. He had seen too much, when he held the office of Secretary of State, of the inconveniences which were experienced at Liverpool, and Glasgow, and Bristol, and other places in the Bristol Channel, from the immense number of Irish paupers who at that time were sent over at 6*d.* or even 2*d.* per head in the steam-boats, and landed on the shores of this country wherever the steam-boats happened to carry them, not to have a lively sense of those evils. It was pressed upon the Government at that time to take some steps to put an end to the immigration of Irish paupers, but they declined to interfere to prevent the free passage of Her Majesty's subjects from one part of the United Kingdom to another; and they told the applicants that the remedy was in their power to remove Scotch or Irish paupers improperly thrown upon the shores of this country. This might be a proper matter to consider separately from the Law of Settlement and Removal in England, but he protested against its being mixed up with it. Irishmen and Scotchmen living in this country had, in common with Englishmen, the benefit of irremovability after five years' residence in the same parish. If it was wished to extend the privilege of irremovability beyond this, let them consider the subject separately, and not mix up with this measure a matter which would be fatal to its success. He could only hope that the tone in which the hon. and gallant Member for Portarlington had spoken was not authorised by the communication which he had stated he had received, and he should certainly very much regret if the Government risked the loss of this valuable and important Bill by the adoption of any provision such as that described by the hon. and gallant Member.

Mr. PACKE said, he rose to move the adjournment of the debate, for he thought that the Government had not given sufficient information to the House as to what their intentions were with regard to the very important question of the removability of Scotch and Irish paupers. The hon. and gallant Member for Portarlington (Col. Dunne) had stated that, in an interview which the Irish Members had had with the Government, they had been given to understand that the abolition of the removability of Irish and Scotch paupers would be embraced in this Bill. The noble Lord the Member for the City of London had, however, stated that, the principle of the abolition of the removability of Irish and Scotch paupers being the same as the principles of this Bill, the Government had acceded to it, but it would be embodied in a separate measure; while, on the introduction of this Bill, the right hon. Gentleman the President of the Poor Law Board had stated, in reply to the right hon. Gentleman the Member for Midhurst (Mr. Walpole), that it related solely to removability on the ground of settlement in parishes in England and Wales, and did not enter at all into the subject of removability of Scotch and Irish paupers, which rested on a totally different principle. From such conflicting declarations it was impossible to understand what the real intentions of the Government were, and he therefore hoped that the debate would be adjourned until the Bill to meet the case of the Irish and Scotch paupers was laid on the table.

Mr. G. H. MOORE said, that he would speak strictly to the question of adjournment. He thought that the intentions of the Government on the subject of the Irish poor should be at once specifically understood. He would not make any statement with respect to the Irish poor. He believed that the noble Lord (Viscount Palmerston) had stated that the claims of Ireland were irresistible; but to-night the noble Lord the Member for the City of London had stated that Ireland was to be included in a separate and distinct measure. He should vote for the second reading, but only on the understanding that Ireland would be engrafted in Committee in the provisions of the Bill.

Mr. WALPOLE said, he hoped that Her Majesty's Government would tell the House what was the course which they proposed to take in reference to this measure, or whether another measure would be introduced which would proceed, if not concurrently, at least conjointly with it. The question was one of great importance. It had not been made a party question, for both sides were anxious to settle this most interesting social matter, affecting as it did the poor of the United Kingdom. The House, therefore, ought to understand what was proposed to be done with respect to the Irish and Scotch poor, and he believed that great dissatisfaction would be felt if the Bill were now pressed forward.

Sir JAMES GRAHAM said, that he had not had the advantage of seeing his noble Friend the Secretary of State for the Home Department, on account of his illness, subsequently to the communication which he had made to the hon. and gallant Member for Portarlington, and which he (Sir J. Graham) believed had been made within the last forty-eight hours. He was decidedly of opinion, considering the time at which they had now arrived, that it was indispensable that the debate should be adjourned, and he must express his hope that the House would not consent to a later adjournment than Monday next, when the Bill would be placed first on the Orders of the Day. He hoped that his noble Friend would then be in his place to state accurately what had passed. As he understood the principle of the measure they were now discussing, destitution should constitute the sole ground for relief. If the House sanctioned that principle by agreeing to the second reading of the Bill, it would then be necessary to consider the case of the Irish and Scotch poor. The Government was of opinion that it would be inexpedient to include the case of the Irish and Scotch poor in the present Bill. If claim for relief were to rest merely on destitution, it would be necessary to prepare some very detailed regulations on the subject of the Irish and Scotch poor, which would require very mature consideration, and would be more conveniently included in a subsequent measure. But that measure had not been matured or prepared. It would not be possible for the Government to make the necessary provision for the Irish and Scotch poor in this Bill, and therefore he conceived that another measure would be necessary.

Mr. DISRAELI said, there was one point which had not been adverted to in the course of the debate, which appeared to him to be of great importance. The Bill, if he recollected right, was introduced on the 10th of February, and the interval which took place between its introduction and the second reading was intended for the purpose of enabling the country to form an opinion upon its merits. Now, the country had, as might be expected, given much time and consideration to so important and interesting a subject, and numerous petitions had been addressed to the House, expressing the opinions of Boards of Guardians and other persons in reference to the Bill, but it could not but be seen that the data on which that opinion was formed and given had been completely changed in character and in element, by the course which the Government had now indicated, but not pledged themselves to adopt. Under these circumstances his impression was, that the Bill should be postponed for a longer period. The matter however, was, in the hands of the House. This had not been made a party question, and he was satisfied that whatever resolution the House might come to, it would be a temperate and wise one; but at the same time it was of great importance that when the subject had been for six weeks before the country for the purpose of eliciting its opinion, the representatives of the public should not find, when the Bill came before them again a measure entirely different from that which was first introduced. Under those circumstances, he thought the adjournment of this debate ought to be fixed to a later date than Monday, in order that the House might have the time to consider the measure under the altered circumstances in which it now stood.

Lord CLAUD HAMILTON said, he wished to explain the nature of the communication which he had received from the noble Lord the Home Secretary. After the Bill was introduced it had occurred to a large number of the Irish representatives to consider the position in which Irish paupers would be placed by the operation of the measure. A meeting of Irish Members was accordingly held, at which it was resolved to endeavour to extract from the Government an expression of their opinion as to what it would be necessary to do to meet the altered position in which Irish paupers would be placed by the Bill. It was thought better that their statement should be reduced to writing, so that there should be no possible misunderstanding, and he (Lord C. Hamilton) was deputed to present the memorial to the noble Lord the Secretary of State for the Home Department. His Lordship, at the end of several days, wrote back the following answer:—

> "The memorial which you sent me was taken into consideration by the Cabinet yesterday evening, and they were of opinion that the case set forth is irresistibly established, and that justice requires that the wishes of the Irish Members should be complied with. I will send the papers

to Mr. Baines, and he will communicate with you as to the best manner of carrying our common object into effect."

He had heard it said that there was a compact between the Government and the Irish Members on this subject, but he wished to repudiate this in the strongest terms, and to state his confident conviction that the noble Lord had never entertained any such idea, and that there was not the slightest foundation for the statement that Her Majesty's Government had tried to make a bargain with the Irish representatives. The memorial to which he had referred was as follows:—

"We, the undersigned, being representatives of Irish constituencies, have observed that the effect of the Bill recently introduced by Mr. Baines for the purpose of preventing the forcible removal of paupers from one Union in England to another will be to annul the law of settlement in England, except in certain cases; and that, if the Bill should pass into a law, cases of destitution in England will be relieved and chargeable in the Unions where the destitution occurs; and the law, as regards England, in this particular be thus assimilated in a great degree to the law as regards Ireland. But we observe that while it is thus proposed to abolish this forcible removal of paupers from one union to another in England, the Bill makes no provision to prevent the forcible removal of paupers from Unions in England to Ireland. This forcible removal of paupers to Ireland has not only long been a matter of great complaint and practical injustice to Unions in Ireland, but has entailed upon the paupers removed the utmost hardships and sufferings, attended, in some cases, with loss of life. This evil, scarcely tolerable, while there existed a law of settlement and of removal in England from one parish or Union to another, would become intolerable if the law of the two countries should be so nearly assimilated, and the forcible removal of an English pauper from one Union to another in England no longer permitted. The undersigned, therefore, feel it their imperative duty very respectfully and earnestly to invite the attention of Viscount Palmerston to this subject, and to express to his Lordship their strongest conviction that the Irish pauper in England should be placed precisely on the same footing as regards removal, with the English pauper in Ireland, or the English pauper in England.

"To Viscount Palmerston," &c.

He hoped the reading of this correspondence entirely cleared the question from any supposition that there had been any bartering by the Government for the votes of the Irish representatives, a measure he was sure the Government would be incapable of proposing or the Irish representatives assenting to. The memorial was signed by sixty-seven of the Irish Members.

Sir JOHN PAKINGTON said, he could not refrain from noticing the extraordinary course taken by the Government on this question—a course which appeared to him to be most embarrassing to all who were disposed to support the measure before the House, and most unfair towards the right hon. Gentleman who had charge of this Bill, who, he thought, had the greatest possible right to complain. So far was he (Sir J. Pakington) from having had any disposition to make this a party question, that he came down to the House fully prepared to give his support to the whole of the Government Bill, supposing and believing that the whole of their plan was before him. He could not, however, refrain from expressing his surprise at hearing, for the first time this evening, when they were assembled there to consider the second reading of this highly important Bill, that Her Majesty's Government intended to adopt a plan—or, at least, some plan—with regard to Irish and Scotch paupers, which must have a most material bearing upon the plan before them. He would remind the House not only of the interval of time which had passed since the introduction of this Bill, but of what occurred upon the debate on that occasion. The Bill, as his right hon. Friend (Mr. Disraeli) had stated, was introduced on the 10th of February, upon which occasion the noble Lord the Member for Tyrone (Lord C. Hamilton) had alluded to the subject of Irish paupers, and several other hon. Members had pressed upon the Government the difficulties attending that portion of the question. He (Sir J. Pakington) was one of those who did so, and he was sure the right hon. Gentleman (Mr. Baines) would remember that his advice to him then was to consider at once how this Irish portion of the subject should be dealt with, because it had become evident, from what had passed that night, that it would be impossible to finally settle the question, without settling that part of it at the same time. Weeks had passed away since then, and it was certainly the duty of the Administration, in dealing with a question of this magnitude, to have availed themselves of that interval (even if they had not thought of it before) immediately to determine upon the course they would take with regard to it, and to give Parliament fair and ample notice of their intention. That had not been done. The House was told to-night, for the first time, that Government intended to grapple with this portion of the subject, but they were not told when it was intended to do so. Now, entertaining a sincere and deliberate conviction upon the general subject, he wished to guard himself upon this portion of it. He thought, under all the circumstances, that the proposal made by his hon. Friend the Member for South Leicestershire (Mr. Packe)—that the further progress of this Bill should be suspended until the intentions of the Government were laid before the House—was a perfectly fair proposal. He (Sir J. Pakington) desired it to be understood, however, that in giving his support to that proposal he meant nothing hostile to the Bill in the shape in which it now stood.

Mr. STUART WORTLEY said, he thought the subject should be adjourned to the earliest possible period, believing it to be of the greatest consequence for this House and the country to know as soon as possible what were the intentions of the Government upon it. He was one of those who had come down with the intention of supporting the measure before the House as far as its principle was involved; but as a representative of a part of the west of Scotland which would be very materially affected by the propositions of the Government, it was impossible that his vote might not be influenced by the consideration of these particular points. It might be possible to deal with the question of Irish paupers in this country, to meet "the irresistible case" to which reference had been made in such a manner as to reconcile it with the principle of this Bill; but if that were so, the House should be put in possession of what the measure really was, and it would be very convenient that the two measures should be brought forward together. He was happy to see that the House was disinclined to treat this as a party question, and he hoped, under the circumstances, that the debate would be adjourned to the earliest day consistent with the business of the House.

Sir GEORGE GREY said, that if the question were pressed as to the day to which the adjournment should take place, he should vote in favour of the adjournment being fixed for Monday next.

Motion made; and Question proposed—"That the Debate be adjourned till Monday next."

Mr. PACKE moved as an Amendment, that the debate be adjourned until Monday, the 24th of April, instead of Monday next.

Amendment proposed to leave out the words "Monday next," in order to add the words "Monday, the 24th day of April next," instead thereof.

Mr. HILDYARD said, he hoped the Government would accede to that proposition.

Colonel DUNNE gave notice that he would move that it be an instruction to the Committee to insert the words "Ireland and Scotland" in the Bill.

Sir JAMES GRAHAM said, that the notice of the hon. and gallant Member implied the necessity for reading the Bill a second time, and hon. Members would then have the opportunity of discussing the question of Irish and Scotch paupers upon that motion. It was said that this was not a party measure, and it was most desirable to avoid all party spirit. That was precisely why he ventured to suggest that the proposal to adjourn the debate to Monday was not unreasonable. The noble Lord the Member for the City of London, representing the Government in that House, had attended at very considerable inconvenience in the early part of the evening. He had been indisposed throughout the week, and was obliged to leave before the debate was closed. Both the noble Lord and his noble Friend the Home Secretary, who had had more direct communication with Members on the subject, would be in their places on Monday. Surely the debate might be adjourned to that day without binding the House to come to any decision on the second reading. He objected to the adjournment of the question for so long a period as the 24th of April. It was impossible for the Government to frame a measure with respect to Ireland and Scotland until the Government could ascertain the change which was to take place in the principle of relief. It was proposed by this measure to do away with settlement, and rest relief on general destitution. When the opinion of the House should be ascertained, it would then be time enough to consider the alterations that would be necessary in the present measure.

Lord HARRY VANE said, if the debate should be adjourned until Monday, no inconvenience would be experienced, as a further adjournment might then take place if it should be found necessary.

Question put, "That the words 'Monday next' stand part of the Question."

The House *divided*:—Ayes 132; Noes 121: Majority 11.

Main Question put and *agreed to.*

Debate *adjourned* till Monday next.

MILITARY KNIGHTS OF WINDSOR.

Order read, for resuming Adjourned Debate on Question [21st March],

Question again proposed—

MR. R. J. PHILLIMORE said, he understood that the Government intended to accede to the Motion; but he felt it necessary to state that, after an examination of all the documents connected with the case, he was satisfied that the Dean and Chapter of Windsor had discharged their duty in the most upright manner; and he had no doubt that the present law officers of the Crown would confirm the opinion which had been come to by their predecessors.

Motion, by leave, *withdrawn.*

Address—

"Praying that Her Majesty will be graciously pleased to cause inquiry to be made, whether the rents and profits called 'The New Dotation,' granted by the three existing Crown Grants of the 4th day of August, 1547, the 7th day of October, 1547, and the 30th day of August, 1559, for the maintenance and other exigencies of the Military Knights of Windsor, as established by the two Acts of Parliament 39 and 40 Elizabeth, c. 9, and 1 James, c. 31, and further established by the Act 3 and 4 Vic. c. 113, have been and are now duly appropriated."

The House *adjourned* at a quarter before One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, March 27, 1854.

MINUTES.] PUBLIC BILL.—3ª Valuation (Ireland) Act Amendment.

MESSAGE FROM THE QUEEN—WAR WITH RUSSIA.

A Message from THE QUEEN *delivered* by the EARL OF ABERDEEN, and read by The LORD CHANCELLOR, as follows:—

"VICTORIA R.

"Her Majesty thinks it proper to acquaint the House of Lords that the Negotiations in which Her Majesty, in concert with Her Allies, has for some Time past been engaged with His Majesty The Emperor of all the Russias have terminated, and that Her Majesty feels bound to afford active Assistance to Her Ally The Sultan against unprovoked Aggression.

"Her Majesty has given Directions for laying before the House of Lords Copies of such Papers, in addition to those already communicated to Parliament, as will afford the fullest Information with regard to the Subject of these Negotiations.

"It is a Consolation to Her Majesty to reflect that no Endeavours have been wanting on Her Part to preserve to Her Subjects the Blessings of Peace.

"Her Majesty's just Expectations have been disappointed, and Her Majesty relies with Confidence on the Zeal and Devotion of the House of Lords, and on the Exertions of Her brave and loyal Subjects, to support Her in Her Determination to employ the Power and Resources of the Nation for protecting the Dominions of the Sultan against the Encroachments of Russia.

"V. R."

THE EARL OF CLARENDON: My Lords, I beg to give notice that on Friday next I shall move that Her Majesty's gracious Message be taken into consideration.

THE EARL OF DERBY: I only rise, my Lords, for the purpose of saying that, as the noble Earl has given notice of his intention to move on Friday that the gracious Message of Her Majesty be taken into consideration, I feel quite sure your Lordships will unanimously agree with me that this is not the time to say a single word with regard to the merits of the great and important question which it involves. On Friday next, I presume that, in moving an answer to that Address, the noble Earl, or the noble Earl at the head of the Government, will take an opportunity of stating to the House fully, not only the causes which have led to the unfortunate disruption of amicable relations with Russia—for with those we are partially acquainted—but also the precise objects which we have in view in entering on this war—the objects we seek to attain by it—and if there are any conventions or obligations into which we have entered with France or the Porte—the nature of those obligations. I conclude that, if any such engagements have been entered into, they will be found among those papers which Her Majesty's gracious Message holds out the expectation will be laid before this House. I shall only express my earnest anxiety that there is no truth in the report which has been circulated during the past few days, to the effect that in a convention there are articles between us and France and the Porte of a nature to establish a protectorate over a portion of the subjects of Turkey, and involving the very same principle which has been considered so objectionable on the part of Russia. I will not say a word more at the present moment. On Friday Her Majesty's Ministers will, no doubt, be prepared to make such a statement as they think fit, in moving an Address in answer to Her Majesty's gracious Message, in regard to which it is not necessary for me to say that Her Majesty will not rely in vain on the support of all classes and all denominations of Her subjects—in the support of the honour and dignity of this country in a just and necessary war, and in taking such vigorous measures as may best tend to bring that war to a speedy and honourable conclusion.

Earl GREY: I will only add that I trust in the Address, which I presume will be moved in answer to the Message received from Her Majesty, care will be taken so to draw it that there may be no difficulty in its being unanimously adopted; because, whatever may be the opinions of your Lordships as to the past, we must all desire that this Address should be agreed to unanimously. I hope, therefore, the Address will be so framed—and it can easily be done—as not to express any opinion which any noble Lord may find it difficult to concur in, on the ground that the war might have been avoided either on the one hand by abstaining from all interference, or on the other hand by a display of greater vigour on the part of the Government. I hope no difficulty will be interposed in the way of those of your Lordships who do not feel altogether satisfied with the course of proceeding on either of those grounds complying with the Address which will be proposed.

Ordered, That the said Message be taken into consideration on *Friday* next.

SETTLEMENT AND REMOVAL BILL—QUESTION.

The Earl of DERBY: Before we proceed to the orders of the day I wish to recall to the noble Earl's recollection a conversation which occurred in this House, and to put a question with regard to it. Your Lordships will perhaps recollect that about a fortnight or three weeks ago a conversation arose as to the introduction into the other House of Parliament of a measure for the settlement and removal of paupers in this kingdom, and on that occasion the question was raised whether Irish and Scotch paupers would be included in that measure. The noble Earl (the Earl of Aberdeen) stated in answer, that it was not his intention to include in the Bill any provision in regard to Scotch or Irish paupers. And on my pointing out that it was exceedingly difficult to separate that very important branch of the question in the consideration of a general measure, the noble Earl answered that the question of the Irish paupers was more especially one on which the Government required a great deal more information, and a great deal more inquiry, before they could make up their minds as to the course they might think fit to pursue. I then asked whether the Government would proceed with the other part of the question, and the noble Earl said such was their intention. I learn from the Journals of the other House that the second reading of this Bill was moved on Friday last, and stands adjourned to to-day; and, if I am to believe the reports of the public newspapers, it appears that a change has taken place in the opinion of Her Majesty's Government since the noble Earl gave that answer: for I observe it is announced that the settlement and removal of Irish paupers will be made the subject of a separate Bill; but it is intended to proceed with the measure without waiting for the introduction of the Bill relating to Irish paupers. Now, my Lords, I have nothing to do with the course Her Majesty's Ministers think right to pursue; but what I have to do with is the declaration which the noble Earl has made, that it is necessary, before they can proceed satisfactorily to deal with the Scotch and Irish question, that they should possess a great deal more information and have a great deal more inquiry. I will not believe the report which has reached me, that the intentions of Her Majesty's Government have been suddenly changed in consequence of receiving a strong representation from a large body of Irish Members that they would be unable to support the Bill as it stood unless the Irish paupers were included—because I must say such a course of proceeding would be so entirely derogatory to the Government, that I cannot believe they would consider it consistent with the conduct of the business of the country. The question I wish to ask the noble Earl is, whether it is true that Her Majesty's Government do intend to introduce a measure including Irish and Scotch paupers in the general law with regard to settlement and removal now before the other House; and if so, whether he will lay before this House the result of those inquiries, and the amount of information which in the course of the last fortnight he has received, and which has induced him and his Colleagues to alter the course of their proceedings?

THE EARL OF ABERDEEN: When the conversation arose to which the noble Earl has referred, with regard to a Bill introduced into the other House of Parliament on the law of settlement and removal, I admitted that it necessarily involved the consideration of the removal of Scotch and Irish paupers; but I said, and I repeat, that it is not intended to include the consideration of that question in this Bill. To that statement I adhere. What may be the course proposed with respect to another measure affecting the removal of Scotch and Irish paupers, I am not prepared at this moment to say; but I have no hesitation in admitting fully that the Bill before Parliament involves the necessity of dealing with that subject.

BURIAL-GROUNDS ACT—METROPOLITAN INTERMENTS.

THE BISHOP OF LONDON rose, pursuant to notice, to call the attention of the House to the great evils which had resulted from the recent measure respecting metropolitan interments. The right rev. Prelate said he had, upon previous occasions, called their Lordships' attention to the sanitary state of the metropolis, but he had now to call their attention to the still more important question of metropolitan interments. He held in his hand a petition from the incumbents of sixteen parishes and districts in the eastern part of London, who declared that they were able to prove that the operation of the measure, which had been intended to produce a great improvement in the sanitary state of the metropolis, had to a certain extent increased the evil. Their Lordships were no doubt aware that in the 14th and 15th year of Her Majesty a Bill had been passed for the regulation of metropolitan interments, which had vested in the General Board of Health considerable powers. The Board of Health was empowered to advise Her Majesty to close burial-grounds and to make general regulations with regard to metropolitan interments, which, if the Board had been able to carry them out, would have enabled them to remedy the existing evils. The regulations which the Board of Health were empowered to carry out were the result of the most careful inquiry, and the result of the experience of the large cities of the Continent where similar measures had been adopted; and although, no doubt, looking to the enormous extent of this metropolis, great difficulties would have occurred in adopting the same system here, yet he believed that if the Board of Health had been cordially and heartily seconded by the Government, those difficulties would have been overcome. But when they proceeded to carry out the Act, the Board of Health met with nothing but discouragement, and obtained no assistance from the Treasury or from Her Majesty's Government, and the Act remained wholly inoperative. Another Bill was subsequently passed, giving power to Her Majesty's Secretary of State for the Home Department to close burial-grounds; but leaving it optional to the parishes to provide cemeteries if they should think fit. The consequence of that anomaly was what the present petitioners complained of. By the order of the Secretary of State nearly all the metropolitan burial-grounds had been closed; the poor man's right of interment has thus been taken away, but no provision had been made for interments elsewhere. Nearly, if not quite the whole, of the burial-grounds in the metropolis were closed by the order of the Secretary of State, but some of the larger parishes had been enabled to provide cemeteries as substitutes. The poorer parishes, however, and especially those in the north-eastern part of the metropolis, had taken no steps whatever to provide means for the interment of the poorer portion of their population, and, in consequence, various evils were created, which fell heavily both upon the clergy and upon the poor. In the first place, the clergy were deprived of a considerable portion of their incomes, amounting, in some cases, to two-thirds. Although admitting, as a general principle, that where measures had been enforced to ensure the public health, the consideration of the question of compensation to parties who might have suffered in consequence of the adoption of a new system was a matter of minor importance, he held that the emoluments and fees arising to the clergy from burials were as much the rights of the clergy as tithes. There could be no question upon this point, that the burial fees were rights to which the clergy were entitled by the law of the land, and had the Bill of the Board of Health been carried out, there might have been no cause for complaint on this score. Though not desirous of wearying their Lordships with details, he felt himself bound to call their attention for a moment to the case of St. Giles'-in-the-Fields, as a specimen of the injustice occasioned by the present state of the law. The rector of St. Giles' gave up a living of considerable emolument, and bringing him in a large annual income, for the purpose of taking the living he now held, and which he accepted from the Crown under the assurance that he would enjoy from it certain emoluments, amounting to rather more than 900*l.* per annum. In fact, he gave up a living worth 900*l.* a year for the purpose of taking that of St. Giles', and he now lost 700*l.* a year in consequence of the closing of the burial-grounds of that parish. The sixteen clergymen who now petitioned their Lordships were subjected to the same injustice in a greater or less degree. But the injustice to the clergy did not affect the incumbents alone; the number of curates was greatly diminished, and the spiritual care of the poor parishioners was proportionately circumscribed. The closing of the metropolitan burial-grounds was felt not only as a hardship upon the clergy, but it inflicted grievous evils upon the poorer classes of the population. In the parish of St. Giles' there was a population of nearly 40,000, and there were from 15,000 to 20,000 poor requiring the constant care and attendance of a clergyman. As the great reduction of the emoluments of the clergyman holding the living, caused by the closing of the burial-grounds, rendered it impossible for him to keep curates, the consequence was, that the whole of these 15,000 or 20,000 persons had to be visited and attended by one person. The petitioners stated that the burial fees form a considerable portion—in some cases one-half—of their income, and they added that in no one of their parishes had any steps been taken to provide burial-places in lieu of those closed by the order of the Secretary of State. The effect of the closing of the burial-grounds was in most cases to take a large sum out of the income of the clergy, and to reduce the available source whence means were procured for carrying on divine service. He had made every inquiry into the matter, as far as the poor were concerned, and he did not hesitate to say that a great amount of hardship was inflicted upon the poorer inhabitants of parishes in which the burial grounds had been closed. The expenses incurred by the friends of deceased persons in providing for funerals were now so much increased that in some cases they had been obliged to fall back upon the parish for relief and become paupers. In addition, such funerals were accompanied with a great violation of decency. It was a singular anomaly that almost the only burial-places exempted from the operation of the order were two Dissenters' burying grounds. The effect of the closing of burial-places in populous parishes was this—in many cases dead bodies were allowed to remain in the miserable habitations of the poor for so great a length of time that they became the cause of infection, and thus rendered the order of the Secretary of State a source of disease instead of one of sanitary improvement. He contended, therefore, that the measure, though it might have been introduced for the purpose of carrying out a praiseworthy object, had in its operation created an increase of the evils it was intended to remedy. An instance had been brought under his notice within the last few days, which seemed to intimate that a great insensibility and callousness existed upon the part of the poor, or that they were driven to a horrible extremity with regard to the bodies of their deceased relatives. In the parish of Stepney, some time after the burial-grounds were closed, the stench proceeding from a pool in the neighbourhood gave rise to cholera, and in one house three children were lying dead of that disease, the effluvia arising from the dead bodies, together with the stench from the vast cesspool close at hand, being intolerable. The evil at length became so great that the secretary of the Eastern Counties Railway was appealed to, and gave orders that the pool should be filled up with 40,000 tons of earth. In the course of performing this work several dead bodies and fragments of dead bodies were fished up from the pool. If this were really so it would seem to show that a portion of the poor had been compelled, from some circumstances or other, to discharge their duty to their friends or relatives by proceeding to the most horrible extremities. He might here add, that he had received several letters upon that point of the question in which the poor were more immediately concerned, showing the distressing position in which the relatives of a person lying upon his deathbed were placed, in consequence of not knowing what they were to do with the body when death ensued. He was not aware whether, under the circumstances, Her Majesty's Government would object to a Motion for certain returns, and he would, therefore, move that returns be made of the metropolitan parishes, exclusive of the City of London, the burial-grounds of which have been closed or have been ordered to be closed; and of the same, with their several populations, which have not provided for themselves parochial cemeteries or other burial-grounds. He excluded the City of London because the proper steps had already been taken there under the directions of the Commissioners of Sewers; and he thought the suburbs should be made to adopt similar measures. It was for the poor especially that these additional cemeteries were required; for their best feelings were violated, and they were put to a great increase of expense by the operation of a measure which was intended for their benefit, while the danger to the public health from the closing of the churchyards had been greatly aggravated. Having read some documentary evidence in further proof of this statement, the right rev. Prelate was understood to state that he believed it to be a fact that, in some of these cemeteries, when a pauper funeral arrived, there being no clergyman in attendance, an attendant, or a pauper, or any person who could be got, would sometimes put on a surplice, and read a portion of the burial service. This conduct of the parish officers was contrary to the Statute law of the land, for it was expressly provided by the Poor Law Amendment Act, that pauper funerals should be conducted in consecrated ground. Having noticed the evils which result from the lengthened keeping of corpses in the single rooms in which whole families of the poor are obliged to live and sleep, his Lordship said he had brought forward only a few of a very large number of cases with the facts of which he had been made acquainted, and which went to establish beyond all doubt the existence of the evil to which he was endeavouring to direct the attention of their Lordships' House. If it were necessary, he could adduce much further evidence to the same effect; but he thought the facts he had already stated were abundantly sufficient to show that the closing of so many burial-grounds, without at the same time taking care that steps should be adopted by the several parishes to provide other places of interment in their stead, had inflicted great hardship, both upon the clergy and upon the poor; that the decency which had usually characterised this Christian country had been shamefully violated; and that the present state of things was such as imperatively called upon a Christian Legislature to interfere. He thought the great error had been in not adopting—or, he would not say in not adopting, for the Legislature had adopted the recommendation of the Board of Health—but the evil was, that after the recommendation of the Board of Health had been sanctioned by the Legislature, no help had been given to that Board by the Government of the day, and the measures introduced since had been wholly inefficient to meet the evils complained of. He still thought, as he had always thought, that when the Board of Health became entirely inoperative, the question ought to have been taken up by the Government. No doubt there were great difficulties in dealing with the subject in so vast a metropolis as this; but he was satisfied that there were no difficulties which might not, by well-considered arrangement, be overcome, so that the clergy and the poor might be protected, the violation of public decency prevented, and the danger to the public health—inseparable from the present state of things—averted. The petitioners prayed that their Lordships would take such steps for the immediate remedy of the evils they had pointed out as the justice and necessity of the case might seem to demand. What they meant was that some measure should be passed, making it compulsory upon parishes to provide proper burial-grounds in lieu of those which had been closed. He thought that that step ought to have been taken at the same time with the other, if it was necessary to give way to the popular feeling upon the subject. He did not mean to deny that there had been evils, both in a sanitary and religious point of view, before the Legislature and the Government had interfered, but he believed that those evils had been considerably exaggerated, that a few remarkable instances had been taken as examples of the whole, and that the closing of burial-grounds had been carried out much more comprehensively and more generally than the necessity of the case required. It was not too late even now to make some provision—he would even say for the clergy in lieu of that of which they had been deprived—but still more to make provision for the decent interment of the poor.

THE EARL OF ABERDEEN admitted the importance of the statement which had been made by the right rev. Prelate, and expressed his opinion that a case had been made out which called imperatively for the intervention of the Legislature and the Government. No doubt the evil intended to be remedied by recent measures was a very great one, and the public feeling had arrived at such a point as to compel attention to the more prominent cases which had been brought forward for discussion. But in attempting to remedy that evil it was quite clear that great injustice and great hardship had been inflicted, and he fully concurred in the opinion that it was necessary some steps should be taken in order to put an end to a state of things which was disgraceful to this metropolis. He did not object to the production of the returns now moved for.

THE EARL OF SHAFTESBURY said, he wished to impress upon Government the absolute necessity of doing something. The present state of things was most injurious to the clergy, and, at the same time, inflicted great hardship upon the poor. The clergy were deprived of fees which were secured to them by Act of Parliament, which deprived them of Easter dues and small tithes. One incumbent had had his income reduced from 950*l.* to 200*l.* a year, with a population of from 15,000 to 20,000. That was one view of the case. Another view was that it severely affected the great mass of the poor. It was well known that under the old system, the poor refrained from burying the bodies of their relatives for several days, but under the new system, instances were known of the bodies having been kept ten, twelve, fourteen, and even eighteen days, without interment, and that in a room in which eight or nine persons lived. If this were allowed to go on, he did not hesitate to say that they would be allowing the construction of 10,000 fever nests in different parts of London, and that when the cholera arrived it would be most fearful, and would produce one of the most terrible calamities that could befall any nation. He trusted, therefore, that Government would take into their consideration the necessity of taking prompt measures to remedy these evils.

EARL GREY thought that more ought to be done than laying this petition on the table, and suggested that the right rev. Prelate should move for a Select Committee to inquire into the facts, and to ascertain what would be the safest, the readiest, and the most effectual mode of applying a remedy to this great evil.

The Earl of Aberdeen

THE EARL OF HARROWBY was of opinion that it was necessary to provide not only places of interment, but places to which the dead might be removed as speedily as possible out of those crowded rooms to which reference had been made. They had to make arrangements for a population of nearly two millions and a half, crowded together within a comparatively small space, and if they were to listen to every objection urged by every interest that might be interfered with, or to every outcry raised upon the ground of centralisation, they would not be doing their duty. For a population of two-and-a-half millions they required some great central action. They could not afford to leave anything to chance. Whether it were a question of sewerage, or draining, or water supply, or any other matter which affected the health or general interest of the community, they must not leave it to a scramble between different authorities; for what might do very well in a place of small population would not do at all here. The former measure upon this subject was concocted with especial reference to a possible visitation of cholera, and he hoped, before the cholera actually came, opportunity would be taken to deal vigorously with the subject, and that something effectual would be done.

THE BISHOP OF LONDON said, it had been his intention to make the Motion suggested by the noble Earl near him (Earl Grey); but he had felt so convinced that —after the statement which he should be able to make, and after the inquiries, which he had no doubt had been made by some Members of the Government themselves— he had felt so convinced that they would take up the subject, and deal with it promptly and wisely, that he hardly thought it worth while to press for the appointment of a Committee. The statement which had been made by the noble Earl at the head of Her Majesty's Government had justified that conviction; and after the assurance he had given, that the matter should be taken up by the Government, and a measure framed which should answer all the objects which no former measure had answered, he felt himself perfectly secure in leaving the matter in their hands.

Petition read, and ordered to lie on the table.

Address for returns *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 27, 1854.

MINUTES.] PUBLIC BILLS.—1° Registration of Bills of Sale.
2° Bribery, &c.; Controverted Elections; Valuation of Lands (Scotland); Bribery Prevention.

SOUTH SEA COMPANY BILL.

Bill as amended, *considered.*

MR. S. FOLLETT said, he objected to the principle on which this Bill was founded, and, therefore, had Amendments to propose with a view of altering its character. The effect of the Bill would be entirely to set aside a fundamental principle which had been recognised by the country for 200 years. The Bill, in the first place, proposed that a personal remuneration should be granted to the gentlemen who for the time being should constitute the joint-stock company that was to administer all the trusts in the kingdom; in the second place it was provided that they might make a profit out of their dealings with trusts; and, thirdly, it was proposed that a united liability of the most objectionable character should be created for the purpose of replacing any losses that might accrue from their dealings with trust funds. Now he humbly conceived that any measure of so important a character as that ought to have been introduced as a public measure, and not as a private one. The only effect of the Bill, if passed into law, would be to place in the hands of a certain number of gentlemen the uncontrolled influence attached to the possession of an amount of real and personal property almost incalculable. Why, at one time there might be many millions of money vested in the hands of those who would have the power by speculating in the funds of altering the position of the public securities to the most enormous extent. There was, indeed, to be a guarantee fund of 300,000*l.*, but he regarded any such guarantee as entirely illusory and deceptive, for it might happen that the debts of the Company would swallow up nearly the whole of the fund before anything was available to make good the deficient trusts, and then there would remain nothing, not even individual responsibility of the Company, to fall back upon. He proposed, therefore, the omission of all the words in the preamble relative to the necessity of such powers being conferred.

Amendment proposed, in page 3, line 1, to leave out from the word "Parliament" to the end of the paragraph.

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. T. GREENE said, that neither he nor, he conceived, any other Members not in the immediate neighbourhood of the hon. and learned Gentleman, had heard a word of his speech. The hon. and learned Gentleman would have been more listened to if he had stated his objections at an earlier stage of the Bill, instead of first announcing them now, at a period when it might fairly be supposed no further objection could be taken to the principle of the measure. He must protest against an Amendment which would take away the whole pith and marrow of the Bill being proposed at so late a period. It could not for a moment be contended that sufficient opportunity had not been given to the opponents of the Bill to bring forward their objections in a more regular form, because the measure was no new one, but one that had been brought before Parliament last Session. The truth was, the only persons interested in opposing it were the attorneys. The Bill simply proposed that the South Sea Company, at the expressed desire of any party creating a trust, or with the consent of the *cestuique trust*, or in case the latter should be under disability, with the approbation of the Court of Chancery, should be enabled to transfer to itself the administration of such trust.

SIR GEORGE GREY said, he quite agreed with the hon. Member for Lancaster (Mr. T. Greene) that it was extremely inconvenient that the House should be now called upon for the first time to discuss a question which ought to have been disposed of at the second reading, or before the Committee. He believed, also, that the Amendment of the hon. and learned Gentleman went to destroy the whole pith and marrow of the Bill; but before proceeding further, it would be as well, perhaps, to be made acquainted with the views entertained by Her Majesty's Government.

MR. CARDWELL said, he would remind the House that he had had an opportunity last year of stating the views which he held on this subject. He would repeat, however, that, according to his humble conception, the Bill was not open to the objections taken to it by the hon. and learned Member for Bridgwater (Mr. Follett). The object of the Bill was simply this, that there being a large sum of money in the hands of the South Sea Company for purposes no longer necessary, it was provided that powers should be granted to it to engage in new duties. His hon. and learned Friend, however, objected to the Bill as interfering with certain received principles, one of which was that a trustee should derive no benefit from the execution of a trust. Now, if persons found it much more convenient to pay a moderate specified fee to a corporation than involve themselves in all the troubles consequent on trusteeships, he could conceive no sufficient reason why they might not do so, or why testators should be prevented from specifically giving up to such a body the execution of trusts, on the understanding that a certain payment was to be made for discharging such a duty. With regard to the irresponsibility of the Company, he believed that nothing of the kind could be said to exist; but that, on the contrary, a much more complete security would be offered by the Company than that usually held for the performance of trusts. And as for speculations in trusts, every means had been taken to prevent ill consequences flowing from such a circumstance, by the provisions contained ordering the inspection and exposure of accounts. Besides which there would be a guarantee fund of 300,000*l.*, with an inspector to be appointed by the Treasury; and, lastly, a revising power lodged with the Court of Chancery. It appeared to him, therefore, that the question was one which might be most fairly dealt with by the House, and he considered the objections of the hon. and learned Member opposite were quite untenable.

Amendment, by leave, *withdrawn.*

MR. MULLINGS said, he believed that the effect of the Bill would be to allow persons who had been guilty of a breach of trust to denude themselves of the character of trustees. He would, therefore, move a proviso, that no person hereafter appointed to any trusteeship should be allowed to hand over his trust unless specially authorised to do so.

Amendment proposed, to leave out from the words "vested in," in page 8, line 10, to the word "them," in line 11.

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. BOUVERIE said, this was very much the same Amendment as the last. The opposers of the Bill, it should be remembered, were not the public, but the attorneys; and such an opposition was the strongest argument that could be used in its favour. He (Mr. Bouverie) had no doubt if the Bill should pass into a law, that in the course of a few years it would be found to have been extremely beneficial to the administration of trust property.

MR. MALINS said, he could assure the House it was very much misled in dealing with this question through the agency of a private Bill. It was a subject which required the gravest consideration, and ought to have been introduced to the House as a Government measure.

MR. CARDWELL said, that the Bill was introduced as a private Bill, merely in accordance with the rules of that House, as it was a measure which conferred powers upon a number of private individuals. If the hon. Member for Cirencester (Mr. Mullings) would but look back to the details of the Bill, he would see that provisions were already contained in it that the assent of the party in whose favour the trust was to be executed, if capable of giving it, or, if not, of the Court of Chancery, was first to be obtained before any transference of trusteeship could take place.

Amendment, by leave, *withdrawn*;—Amendments made; Bill to be read 3°.

MESSAGE FROM THE QUEEN—WAR WITH RUSSIA.

Message from the Queen,—*brought up*, and read by Mr. Speaker (all the Members being uncovered), as follows:—

"VICTORIA R.

"Her Majesty thinks it proper to acquaint the House of Commons that the negotiations in which Her Majesty, in concert with Her Allies, has for some time past been engaged with His Majesty the Emperor of all the Russias have terminated, and that Her Majesty feels bound to afford active assistance to Her Ally the Sultan against unprovoked aggression.

"Her Majesty has given directions for laying before the House of Commons Copies of such Papers, in addition to those already communicated to Parliament, as will afford the fullest information with regard to the subject of these negotiations.

"It is a consolation to Her Majesty to reflect, that no endeavours have been wanting on Her part to preserve to Her subjects the blessings of peace.

"Her Majesty's just expectations have been disappointed; and Her Majesty relies with confidence on the zeal and devotion of Her faithful Commons, and on the exertions of Her brave and loyal subjects, to support Her in Her determination to employ the power and resources of the Nation for protecting the dominions of the Sultan against the encroachments of Russia.

"V. R."

To be taken into consideration on *Friday*.

SETTLEMENT AND REMOVAL BILL—ADJOURNED DEBATE—(SECOND NIGHT.)

Order read for resuming adjourned debate on Amendment proposed to be made to Question, [24th March] "That the Bill be now read a second time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed*.

Mr. WALPOLE said, he wished to put a question to the noble Lord the Member for London in respect to this Bill. The debate upon the second reading of the Bill was adjourned from Friday night to that day. The House was then told that the noble Lord the Secretary for the Home Department would probably be present on that evening to state the course he proposed to take in reference to the extension of the principle of the measure to the Irish and Scotch poor. Not seeing the noble Viscount in his place, he (Mr. Walpole) wished to ask whether the noble Lord the Member for London was prepared, on the part of the Government, to inform the House as to the nature of the measure in reference to the Irish and Scotch poor before they proceeded further with the Bill before the House? If the noble Lord was not prepared to make such statement now, he would ask him whether it would not be more convenient that the debate on this Bill should be adjourned until the House had before them the whole of the measures upon this subject which the Government intended to propose?

Lord JOHN RUSSELL said, he expected that in a few minutes his noble Friend (Viscount Palmerston) would be in his place in that House, and would, of course, be ready to answer any question that might be put to him. With regard to the question put to him by the right hon. Gentleman, he (Lord John Russell) was not prepared, on the part of the Government, to state the details of the measure they intended to introduce in regard to the Irish and Scotch poor in England. He did not, however, think that the absence of such statement formed any ground for the postponement of the second reading of the Bill now before the House. He was of opinion, after the second reading of the Bill, the Committee upon it might be postponed for a considerable time, so that the House might be placed in possession of the views of the Government before they were called upon to consider the details of the present measure in Committee.

Mr. PACKE said, that, considering the answer of the noble Lord in respect to this measure most unsatisfactory, he felt it to be his duty to move that the debate be now adjourned until the 28th of April. He did not think that it would be fair to the English or Irish Members that the House should affirm the principle of this Bill until the other measures to be proposed by the Government in connection with this subject were fully before them.

Mr. J. BALL seconded the Motion.

Mr. WALPOLE said, he had thought a good deal of this question since Friday, and he could not but feel that whatever decision they might come to upon the Bill now before them, that decision would be extremely unsatisfactory, inasmuch as it was impossible that the House could affirm the general principle upon which they were to proceed in reference to the whole of the United Kingdom. They were told on Friday night that the claim of the Irish poor to be placed on the same footing as the English poor in regard to irremovability was, in the opinion of a Member of the Government, irresistible. He (Mr. Walpole) agreed in that opinion, for he thought that the claim of the Irish poor was irresistible according to the principles upon which the Bill was framed. It was framed upon two principles. The one was this—that the poor man was entitled to make the best use of his labour, and in the manner most advantageous to himself. The other was, that destitution, and not settlement, was to be the sole title for relief. Now, if they were prepared to affirm those principles with reference to the English, surely the same principles ought also to be extended to the Irish and Scotch poor. If destitution, and not settlement, was to be considered the sole title for relief, he thought that, in some respects, the claim of the Irish was even stronger than that of the English pauper, inasmuch as the Irish had no Law of Settlement, and they might be transferred to some town in Ireland with which they had no connection. The intentions of the Government should be fully explained, and unless they were the House might involve itself in serious responsibility by proceeding further with the present measure. If the principle of the irremovability of the English paupers be sound, he entreated the Government to postpone the affirmation of such a principle until they were in a position to furnish the House with full information as to all the measures they intended to propose in relation to this subject. Those measures, he believed, from what had been stated on Friday, would require very great consideration. He submitted that whatever regulations they adopted, they could not draw a distinction between the English and the Irish poor; and, if so, surely the House was entitled to know what those regulations were to be which Government intended to apply to the Irish poor, before they agreed to the regulations proposed in regard to the English poor. Further than that, it appeared to him that there was an additional reason for adopting the course which he now suggested. It was to be borne in mind that they were not by this Bill about to do away altogether with settlement. They were rather going to preserve settlement for the purpose of preserving the rights of the English poor to the different trusts in the different parishes to which they belonged. But if the Government proposed to interfere in respect to the Irish poor, by applying to them the principle of irremovability which they applied to the English poor, they would have to consider a difficult question—namely, how far those poor who had not a settlement in their own parishes were entitled to a share in the trusts established in the different parishes in England? Whether the Government proposed to deal with that difficult question he did not know, but it was a question that could not be lost sight of, if they wished to settle this important subject definitively and for ever. There was one other observation which he wished to make. He had a great objection to any measure being brought into that House in so imperfect and incomplete a state, for they were not informed until they had entered upon a discussion of the second reading of this Bill that the Government had in contemplation other measures which should necessarily accompany the measure under consideration, or as parts, in fact, of the same question. He would remind the Government what they had done last Session. They had passed a Bill imposing a duty upon successions, which was intended to apply to all the real and personal property of the Kingdom, whether settled or unsettled. Having prepared that Bill in regard to property belonging to individuals the Government declared that they meant to introduce another measure in regard to corporate property, which was to be taxed to a similar extent, as the property of individuals. But that Bill had never been brought in. [The CHANCELLOR of the EXCHEQUER: For want of time.] The right hon. Gentleman said it was for want of time. Well, that made his argument all the stronger. It showed that the measure was intentionally imperfect; and yet that imperfection had not been made good as soon as it might be. The Government, as yet, had made no announcement of such a Bill this Session. The House had had the financial statement of the right hon. Gentleman, and yet they did not, even now, know whether that measure to which he alluded, which should have been universal in its application and in its bearings, would or would not be made complete by the introduction of a Bill including corporate as well as individual property, so that one and the same law should be equally applicable to all successions. Our legislation on that subject was obviously incomplete: and so it would be on this subject also, if the House went on with the present Bill. He fully concurred in the opinion that destitution, and not settlement, should be the title for relief; but he thought that their proceedings would be much fairer towards all parties concerned if they waited for full information upon the whole subject before they affirmed the general principles involved in the measure now before the House. The principles of that measure in their practical working depended on its details; and he defied any hon. Member who had considered the subject to say that the House could settle the question fairly and fully unless the details of all the measures applicable to the subject were placed before them. Suppose that they passed the present Bill, and then that the measure subsequently introduced in regard to Ireland and Scotland were rejected, where would they find themselves? They would then find that they had affirmed a principle applicable to the English poor, and had refused to affirm the same principle when it was intended to be made applicable to the Irish and Scottish poor. By acting in this manner the Government would endanger their own measure. Instead of pressing it at that moment, he hoped that the noble Lord would have the goodness to reconsider whether, in point of fact, they would not further the success of this Bill, save the time of the House, and make their legislation more complete, by waiting for the introduction of such other measures as it might be advisable to introduce on the subject, for by proceeding at once with the present Bill, they would certainly be legislating partially and imperfectly, and therefore, he might add, inconclusively and inconsiderately, and most unfairly, upon this important and difficult question.

MR. BAINES said, he was extremely willing to acknowledge that the right hon. Gentleman had not been influenced by any party motive; he had dealt very fairly with the measure. In giving his support to the principle of the Bill, he was giving it to a most important principle, which, however, was not exactly what the right hon. Gentleman had stated. The principle of the Bill was not that destitution instead of settlement should be the claim to relief; for at this moment destitution was the claim to relief. That principle was not introduced by this Bill for the first time. For if a person became destitute in any parish in England, that parish was bound to give him relief. The way in which settlement was introduced into the case was this:—If a person applied for relief in a parish which was not his parish of settlement, the former might relieve itself from further burden by causing him to be transferred to the parish where his settlement was. It was, therefore, not quite accurate to represent the principle of the Bill as being, to make destitution, instead of settlement, the ground of relief. He submitted to the House that no reason whatever had been shown for postponing the present Bill; and he could not take upon himself the responsibility of consenting to a postponement of a decision upon a question simple and plain in itself, and one on which upon every account it was desirable that the decision of the House should be given as early as possible. A postponement had been suggested on the ground that certain measures were to be proposed, by and by, with regard to Ireland. When he introduced the Bill, he was asked whether it applied to Ireland, and he stated that he had carefully drawn the Bill in such a way as to apply only to the simple case of removals in England and Wales on the ground of settlement. Settlement was not a matter applicable to Ireland at all; it was confined to England and Wales. The removals to Ireland from England and Wales, or from Scotland, proceeded upon an entirely different principle. Therefore they might very well consider the question, whether relief should be given without reference to settlement in England, quite independently of the question affecting the removal of paupers from England or Scotland to Ireland. The hon. Member for Dungarvan (Mr. Maguire) had brought forward a Motion on that subject; and he (Mr. Baines) had then stated that it was not advisable to mix up the Scotch and Irish question with that of England; that the latter stood on ground of its own; that the question had been left perfectly clear by the decision of the Committee of 1847, whose Report it was proposed by this Bill to carry out; that they had come to no decision on the Scotch and Irish question, which required further investigation; that some correspondence likely to throw light on that question would be laid before the House in a short time, when they might, if they thought proper, legislate upon it; but that probably some further information would be necessary, either by Committee or in some other way, until which time he was not prepared to deal with the Irish and Scotch question. That course, he thought, met with the approbation of the House. He had then moved the second reading of this Bill on Friday last, when he had just heard for the first time that there had been some communication with a noble Member of the Government, which led to an expression of opinion on the part of the Government that the Irish question was one that called for a speedy solution. No doubt it was; but they could not come to the solution of such a question until they had got the materials for it; and they had not those materials at present, though they had abundant materials for the solution of the English question, including the evidence taken in 1847, the Reports of Committees in the year following, and the

Reports of the Commissioners, which were limited to England and Wales. The case was perfectly ripe for decision on that question; but on the other, he for one was not prepared to legislate. ["Hear, hear!"] This was not a new expression of opinion on his part; he had said the very same thing before, and it was an opinion from which he did not feel disposed to recede. Therefore, there was no ground whatever—the questions being entirely separate in themselves—for postponing the English Bill, in order to await any announcement on a perfectly different question, for the removal of paupers to Ireland proceeded on an entirely different ground. He entreated the House to proceed to consider the present question at once; and let those who disapproved the principle of the Bill meet it by a direct negative.

MR. ROBERT PALMER said, he was surprised to hear the right hon. Gentleman say that he heard for the first time on Friday of the arrangement that had been made with the noble Lord at the head of the Home Department, in respect to the removal of the Irish and Scotch poor.

MR. BAINES said, he must beg to correct a misapprehension that appeared to have taken place as to what he had said. He believed that the decision in respect to the Irish part of the question was taken on Thursday. He did not hear of the matter until after that decision had been taken. And it was on Friday that the proposition for postponement of the present question was made, on the ground of the arrangement which it was said had taken place in respect to the Irish and Scotch poor.

MR. ROBERT PALMER said, that he had so understood the right hon. Gentleman. He must say that he concurred with the proposition made by the hon. Member for South Leicestershire (Mr. Packe), because he thought that the two subjects were mixed up and depended upon each other. It was impossible to pronounce a fair judgment upon the question of the irremovability of the poor of England until they knew whether the Irish and Scotch poor were to be placed upon the same footing as the English. He believed that the votes of a great many hon. Members depended upon the knowledge of all the facts. He appealed, then, to the noble Lord, whether it would not be better to postpone the further consideration of this measure. The House had a right to be informed upon the general subject of the Irish poor before they were called upon to assent to, or to dissent from, the second reading of this Bill, for which there did not appear to be any present hurry.

MR. H. HERBERT said, that he felt considerable difficulty as to the course which he, as an Irish Member, ought to take on the present occasion. He certainly had no wish to interfere with the passing of any measure that might be considered beneficial or interesting to England. But he should, however, deem it to be his duty to give his vote in favour of the Amendment of the hon. Member for South Leicestershire (Mr. Packe). If the Bill were passed into a law without Parliament legislating for the case of the Irish poor in England, its operation would be most unjust and oppressive. The right hon. Gentleman had said that the cases of the English and Irish poor did not depend upon the same principles; but if there were any differences in the cases of the two classes, he thought that the injustice of the present law was greater in its operation upon the Irishman than upon the Englishman, because when an Irish pauper was removed from England, he was not taken to the place of his settlement, but only to the nearest seaport in Ireland. In the north of England and the south of Scotland, he had been assured that the farms were principally cultivated by Irish labourers, but for whom the farmer would be alike unable to cultivate the land or gather in his crops. In that part of the country it was the custom to employ the Irish for a certain period, and then, just before the expiration of the time that would secure them a settlement, to turn them off to seek work elsewhere. That was a common occurrence. Whilst, therefore, they were doing away with the hardship of the Law of Removal in the case of the English labourer, he submitted that the Government ought to be prepared to state how they proposed to deal with the Irish labourer also. He should be the last man to ask that House to encourage a wholesale immigration of Irish paupers into this country. If they were not wanted here, let measures be adopted to prevent their importation. But if they were wanted, and he believed they were, he did not think Parliament had any right to legislate upon the subject before it unless it also took the case of the Irish labourer into its consideration. Much misapprehension appeared to exist on the subject of the immigration of Irish poor into England. Many person thought that the funds of boards of guardians were employed to send such poor here; but that could not be the case, as the accounts of all such boards were carefully audited by the auditors of the Poor Law Board.

SIR JOHN PAKINGTON said, that the right hon. Gentleman the President of the Poor Law Board had acted a perfectly consistent part in reference to the question of debate, and had made a speech which every one must have felt to be most honourable to himself. He could not, however, agree with his right hon. Friend, when he said, that because the Bill before the House dealt only with England and Wales, therefore the House was in a condition at once to proceed to its consideration. Perhaps there was no Member of the House who understood this subject better than the right hon. Baronet the First Lord of the Admiralty. From having been long at the head of the Home Department, from his great experience of country gentlemen, and from his having sat on the Committee of inquiry in 1847, the right hon. Baronet knew the subject well, and he (Sir J. Pakington) appealed to him with confidence, whether, for years past, it had not been notorious to every one who had given attention to the subject, that whenever it was dealt with, the Irish portion of it must also be considered. Again and again it had been asserted by those who had made themselves acquainted with the subject that the Irish part of it was one of its chief difficulties. And, inasmuch as the Government had announced their intention to deal with the question in the last Session, he submitted that it was their duty either to grapple with the Irish difficulty from the first, and produce a complete measure, embracing the Irish as well as the English portion of it, or, on the other hand, do what his right hon. Friend (Mr. Baines) had done, and place a Bill on the table dealing with England only, and carry forward that Bill without any mention of the Irish part of the question. What had they been told that evening? His right hon. Friend (Mr. Baines) had informed them to-night that there did not at present exist any materials—[Mr. BAINES: Sufficient materials]—for settling the Irish question. Well his right hon. Friend was, he imagined, the highest authority to whom they could appeal, and yet he has now told them that there existed no sufficient materials for settling the Irish question; and at the same time they were told by the Government that they were about to deal with that question. How did they mean to deal with it, if they had no sufficient materials for doing so? He was afraid—indeed, he had reason to believe that in many instances it would be the case—that some who were friendly to this measure would, if it were now pressed to a decision, vote against it; and he therefore hoped that the Government would reconsider the peculiar position in which they had placed the House—that they would recollect that the important addition with regard to the Irish paupers was never announced until Friday night—and that they would either abandon legislation for Ireland altogether, or postpone this Bill until they knew what would be the shape of their Irish measure.

VISCOUNT PALMERSTON said, he did not see the logic of the conclusion at which the right hon. Gentleman (Sir J. Pakington) had arrived, that because the Government was not at present in possession of sufficient materials for maturing the details of the measure with regard to Ireland, the House was, therefore, not to proceed to affirm the general principle of the now proposed measure by reading the Bill a second time. He quite agreed with the right hon. Gentleman, that if you deal with the question of pauper removals, you cannot deal with those of England only; the Irish question must undoubtedly be grappled with and disposed of. He thought no one who considered the matter carefully and seriously could deny that it would be an act of the grossest injustice to give the English labourer, settled in an English town, the right of not being removed to his parish, in case of his applying for relief, and at the same time to leave the Irish labourer exposed to the hardship of being, under similar circumstances, sent to a distant part of Ireland, with which possibly he had no connection. There was no question that all should be dealt with on the same principles. You had two men working in this town, or in some other great English town, contributing by their labour to the prosperity of the place, serving the people of the town, and performing all the hard work of the town. Here, in this very town, if you saw a man mounting a steeple, going up an almost perpendicular ladder, with a hod of bricks upon his shoulder heavier than himself, and which, perhaps, he could hardly carry upon level ground, you might rely upon it the man was an Irish labourer. In short, if you saw a man engaged in work which beyond all others required physical strength, endurance, and contempt of danger, the probability was that he was an Irish labourer. Well, then, that man, if unable to work, and all his family, if he should die, were to be exposed to all the injurious consequences of removal to a distant part of the country, while an Englishman, or the family of an Englishman, under similar circumstances, were not so to be dealt with! Now, as long as Parliament maintained the present law, they treated both alike—they dealt with the English as they dealt with the Irish pauper, and nothing could be fairer than that. But if they were prepared, on full consideration of the case, to say that the power of removal should be taken away as regarded the English poor, justice did require that it should also be taken away in the case of the Irish pauper, or, if not entirely, at least that it should be very much restricted. He said "very much restricted," because great apprehensions prevailed upon this matter, and upon these grounds he thought what his right hon. Friend (Mr. Baines) said was worthy of attention—namely, that some further inquiry was necessary, not simply to obtain materials for legislation, but to remove unfounded prejudices. English gentlemen were fearful that if the Irish should not be removable, the Union-houses in England would be flooded by a deluge of Irish paupers. Now, how were those paupers to come to this country? Who was to send them? If he were not greatly mistaken, not one farthing of the Irish poor rate could legally be employed in sending Irish paupers to England. But, then, it was said that individuals would send over paupers to this country at their own expense. Well, he would not endeavour to conceal any features of the case. He would take for granted that some had been sent from towns in Ireland near the coast to lighten the burdens of those towns, and to cast the burdens upon some English towns upon the opposite coast. Now, he thought that while on the one hand it would be perfectly just to protect the Irish labourer from the present operation of the law with respect to removal, it must be admitted that on the other hand abuse ought to be prevented in this particular; and therefore, without pledging himself to any particular measure upon the subject, it struck him, if Parliament were to say that, in order to entitle an Irish labourer to be unremovable, it should be necessary for him to have passed one twelvemonth in industrial occupation in the town in which he claimed relief—a condition analogous to that on which in his own country depended his right to relief in the electoral division of a Union—it occurred to him that some arrangement of that sort would remove any reasonable apprehension of abuse in regard to the immigration of Irish labourers. After all, the number of removals which now took place was much smaller than many persons imagined. In March, 1853, the whole number of orders executed for the removal of Irish paupers was not above 4,800, and therefore, if Parliament shut the door against the kind of abuse to which he had adverted, and confined the operation of the law to *bonâ fide* Irish labourers settled and employed in English towns, hon. Members would find, on inquiry, that the apprehensions entertained were really to a great extent founded on mistake. It appeared to him, however, that the justice of making such an arrangement, and the necessity of some further investigation in order to determine upon the measure by which that object should be accomplished, formed no reason why the House should not now come to a decision upon the second reading of this Bill. The third stage of the Bill would naturally be postponed, and they might reasonably hope that, before the House was called upon to go into Committee, the measure to which he had referred would have made such progress that Her Majesty's Government would be able at least to state to the House the nature of the Bill they proposed to introduce relative to Ireland. He therefore should earnestly entreat the House not to negative the principle involved in the present Bill, which was simply the principle that a change should be so far made in the English Poor Law, that paupers should not be removable. That principle only applied to the inhabitants of England and Wales, but it did not preclude the House afterwards from entertaining the proposal for extending that principle to the natives of Ireland, or even to the natives of Scotland; whereas, if they negatived this principle, they went much beyond what he believed to be the wish of the great majority of the Members of that House—they negatived the principle for any change in the Poor Law, and did not really make their votes turn upon their desire to see a similar measure to this applied to Ireland. He hoped, therefore, that the House would agree to the second reading of the

Bill, which would not pledge them to go on with it unless they were satisfied that some safe measure should be proposed with regard to Ireland, but which would so far elicit the opinion of the House that some such measure as this was desirable.

SIR JOHN TROLLOPE said, he was but the more convinced of the great difficulties which surrounded the subject by the speech of the noble Lord who had just addressed the House. He had long been of opinion that Parliament must deal with this question in a broad and comprehensive spirit. It appeared to him impossible that the Legislature could sanction the principle of repealing all power of removal as to English paupers, without being prepared to consider the law as affecting Ireland and Scotland. It was clear to his mind that they ought to consider the whole subject together, inasmuch as one portion of it pressed upon the attention of the Legislature at the same time as the other. The noble Lord (Viscount Palmerston) said that if they consented to repeal the power of removal with regard to English paupers, it would be necessary to consider, also, how they were to deal with paupers coming into this country from Ireland. And the noble Lord shadowed forth some details of a system, which might be proposed by Her Majesty's Government at a future though perhaps distant day, and threw out a hint that it might be proper to annex the condition that, in the case of Irish paupers living in England, there should be a twelvemonth's residence, a condition which appeared to him (Sir J. Trollope) to be a clog on that relief which could not be imposed on the subjects of the realm coming from the sister country, while no such condition was imposed upon the English labourer. He would remind the noble Lord that there was a power in the Scotch Act for the relief of the poor, which was passed in the year 1846, to remove from that country persons who had not had a five years' residence there—a power similar to that which was at present in force in England. He (Sir J. Trollope) was strongly of opinion that if Parliament consented to repeal the laws which were now in existence as to relief to the English poor, they must at the same time consider the laws as to Ireland also; and if they repealed the power of removal here, so far as it concerned English subjects, they must prevent the removal of Irish also. Indeed, they would not be legislating on a just and fair basis if they did not do this. The large towns had certainly complained of the great influx of Irish paupers; but at the time they did so it was under peculiar circumstances. There was now every reason to believe that a labouring man was a man of great value in this country. He was sure that that was already the case in the agricultural parts of the country. The parish authorities never had occasion to send the Irish labourers back from the agricultural districts. They came there when their assistance was most required, and excepting in case of sickness, when the charity of all men would, of course, be extended towards them, they were rarely a burden to their employers. He saw at once, therefore, the unfair position in which his right hon. Friend (Mr. Baines) was placed by the sudden determination of the Government materially to alter their plans for the consideration of the House, without apparently calling him to their councils or asking his advice on the subject. He confessed that he thought his right hon. Friend was placed in a situation of the greatest possible difficulty. With regard to the Bill itself, he (Sir J. Trollope) had various objections to its details, which he should be ready to state at the fitting time. It would be irrelevant to do so now. But it was clear to him that the House ought not to consent to the second reading of the Bill without some knowledge of the other measures which must be inevitably consequent upon this, which must be sooner or later dealt with by that House, and which, in his opinion, ought to be all taken simultaneously.

THE MARQUESS OF GRANBY said, he had always entertained the opinion that in dealing with the question of settlement and removal, one of the most important ingredients that would enter into its consideration was the Irish portion of the subject. But it was not fair to the Members of that House to ask them to give their sanction to the present measure at the moment that another measure of such importance was hanging over their heads, the nature of which Ministers themselves appeared to be ignorant of. He hoped, for the sake of the question itself, as well as for their own sakes, that Her Majesty's Government would consent to postpone the Bill.

SIR GEORGE GREY said, he could not see any reason for the further postponement of this Bill. He had stated on Friday night that he was not prepared, by mixing up these two subjects together, to risk the loss of this important measure, and, adhering to that opinion, he was prepared now to give his vote for the second reading. The removal of Irish paupers formed no part of our English Poor Law; it rested upon a series of Acts wholly separate and distinct, the last of which was passed in 1847; and he must say, after what he had heard to-night from his noble Friend (Lord Palmerston), he should be prepared, when the proper time came, to consider the proposed amendment of the law relating to the removal of Irish paupers from this country. But the question as regarded the removal of Irish paupers stood now in a different position from that in which it had stood on Friday night. The hon. and gallant Member for Portarlington (Col. Dunne) had stated on Friday night that there was a distinct pledge from the Government that Irish paupers should be placed on precisely the same footing as English paupers; but he now found from his noble Friend (Lord Palmerston) that there was no such intention on the part of the Government, and that they only proposed to remedy such cases as had been adverted to, and to prevent Irish labourers from being removed to Ireland under circumstances of great hardship. If a year's industrial residence were to be proposed as a restriction upon this power of removal, that would be a totally distinct question, deserving the attention of the House, after the House had assented to the second reading of this Bill. He (Sir G. Grey) thought the law was in an unsatisfactory state upon the subject, but was very glad to hear that the proposal made by the Government differed from that which he understood from the hon. and gallant Member (Col. Dunne) had been made.

Colonel DUNNE said, he came down to the House prepared to vote against further adjournment, but he wished to explain why he should now vote diametrically opposite to that intention. After the speech of the right hon. Gentleman who had just sat down, and who might be taken as an exponent of the intentions of the Government, it seemed that the Government were not going to fulfil the promise they had made to the Irish Members. The Government said, that they considered the claims put forward by the Irish Members to be irresistible, and had made up their minds on the subject, without saying that any further inquiry or consideration was necessary. There was now, it seemed, a breach of their promise; and as he knew that any delay between the second reading of this Bill and the bringing forward of the Irish Bill would be employed to get up a feeling in England against the claims of the Irish poor, he would not aid in passing the Government Bill till the Irish measure was before the House. Besides, there was the chance of the Irish Bill being thrown out by the English Members.

Mr. EVELYN DENISON said, he thought there appeared great danger that this question would, after all, be turned into a party question, and would not be considered fairly upon its own merits. The measure now before the House was sufficiently difficult, sufficiently important, and sufficiently complicated to have received attention without regard to any other; but since the introduction of this new element respecting Irish and Scotch paupers into the discussion there seemed but little likelihood that the measure would be fairly considered. Now, among the Committee which had sat a few years ago, though he did not agree upon all the points which came before them, there was a similarity of opinion upon this one—namely, that if the question of the removal of the poor of England and Wales was to be mixed up with the question of the removal of the Irish poor, there was no chance whatever of any measure of that sort being carried in that House. His opinion remained the same still. But he invited the attention of the noble Lord (Viscount Palmerston) to this point—whether he was not hazarding the existence of this Bill by insisting upon now going to a division upon it, and why, as, after the second reading, it might be found necessary to postpone the measure in its further stages, it could not be equally well postponed in its present stage? A great difficulty would be avoided by following such a course, and the question, he thought, would not then become a party one.

Mr. PHILIPPS said, that, as representing a district adjoining the Bristol Channel, and as connected with a part of the country most vulnerable with regard to the visits of Irish paupers, he thought himself fully justified in asking what the proposed measure respecting the removal of Irish poor would be before he was called upon to vote for the second reading of this Bill? Although there might not again be a necessity for stringent regulations respecting the removal of paupers to the sister country, it was not very unreasonable to ask for security against a possible danger. Generally speaking, he was in favour of the principle of this Bill, but he objected to take a leap in the dark as regarded the other measure which was to be brought forward.

Mr. MAGUIRE said, that a short time

ago a memorial had been presented to the noble Lord the Secretary of State for the Home Department on this subject, praying that Irish paupers in England might be placed on precisely the same footing in respect of removability as English paupers in Ireland and English paupers in England itself. The answer of the noble Lord to the memorialists was to the effect that their memorial had been taken into consideration by the Cabinet, which was of opinion that the case set forth was irresistibly established, that justice required that the wishes of the memorialists should be complied with, and that the President of the Poor Law Board would communicate with them as to the best manner of carrying out the suggestion that English and Irish labourers should be put upon exactly the same terms as regarded removability. Well, when the Irish Members came down to the House, expecting that this solemn pledge of the Home Secretary would be faithfully redeemed, the right hon. Gentleman the President of the Poor Law Board, as the organ of the Government, got up and said that the Government was not prepared to legislate on the subject, and that they had not sufficient materials for doing so. If there were not sufficient materials—if the whole of the facts were not known—how came the Cabinet to come to the conclusion that the case put before them was "irresistible?" And having arrived at the conclusion that it was "irresistible," why were they not prepared to legislate upon it? From a return that had been presented to the House, it appeared that from the county of Middlesex (exclusive of seven parishes that had refused to make a return) there had been removed to Ireland, in the year 1853, between 7,000 and 8,000 of Irish poor, the most of whom were orphans born in England, and widows of persons who had been long resident in this country. He (Mr. Maguire) altogether despaired of any redress being afforded to Ireland, if it were not incorporated with this Bill. He believed that the Government were now attempting to cajole the Irish Members, who, if they voted for the second reading of this Bill, would bring about the following result. On both sides of the House there appeared to be objections to the concession of Irish claims in this matter, and they could only be conceded through the strength of the Government; whereas, he would appeal to persons of common sense, that, if they allowed this Bill to pass, the Irish Members would forfeit all their influence on this question, and would have no such power to put the screw upon the Government as they had at present. He was, therefore, in favour of the Motion for the adjournment of the Bill, in order that time might be given to the Government to consider the matter, when, no doubt their law officers would be able to frame a clause that would meet the case of Ireland and do justice to all sides.

Lord JOHN RUSSELL: Sir, I believe the course that the Government is now taking is no new course. My right hon. Friend the President of the Poor Law Board declared very early what was the object of this Bill, and stated that it applied only to poor who are removable on the ground of settlement. It is notorious also that the question was asked in the other House of Parliament of my noble Friend at the head of the Government, and that the substance of his answer, circulated through the country, was, that the Government admitted that the law with respect to Irish paupers required revision and alteration — that such revision and alteration would be made, but that the materials at their command were not yet sufficient — that further information was required, and that until information was procured, no further legislation should be proposed; and my noble Friend also said that the Bill with respect to removal and settlement would not be postponed on that account, but that its second reading would be proceeded with. That answer was in conformity with what my right hon. Friend the President of the Poor Law Board has stated. But, Sir, there seems, I think, to be a general agreement in the House in conformity with what was stated in the letter of my noble Friend the Secretary of State for the Home Department—that if it is a hardship to remove persons from the parishes in which they reside in England, it would be a hardship to remove Irish paupers who reside in English parishes, and who have given the benefit of their industry and labour to those English parishes. I stated on Friday evening, however, that any provisions on that subject could hardly be introduced into the present Bill, and that they would require very great caution in their preparation. Now, the hon. Member who spoke last, and the hon. gallant Member for Portarlington (Col. Dunne), appear to think that it will be a great gain if they throw some slur on the principle of this Bill, and to my astonishment the latter hon. Gentleman appealed to persons of common sense. I should have thought, Sir, that people of common sense would have been the last persons to whom the hon. Member would have dreamt of appealing, because this is clear, that if in England you decide in favour of the principle that paupers shall no longer be removable—that removal shall not take place; and still more, if Parliament proceed with this Bill to the extent of confirming it in any further stage—that then the claim on the part of Ireland for the application of the same principle becomes irresistible. You will then have an argument for saying, "You have prevented this hardship and put an end to removals, which are attended with circumstances of great hardship to men who are labourers in England; do not leave any small shred or fragment of that hardship remaining, but extend your remedy to Ireland." But the hon. Gentleman, on the contrary, seems to think that, if this principle is not assented to with regard to England, it will be a great benefit to Ireland. The benefit to Ireland will be just this, that the same hardship will still continue to exist in Ireland; and the only consolation to the Irish labourer will be the reflection that the English labourer will suffer from the same hardship. That is the appeal to common sense which the hon. Member has made; and I should have thought, after the Government had declared in favour of the principle, that the best course to take would have been to do what we now propose, namely, first to affirm this principle with regard to a subject which has been before a Committee of the House of Commons, and upon which my right hon. Friend (Mr. Baines) has bestowed great labour; and then, to consider afterwards by what provision, and in what manner, you shall extend a similar principle to Ireland. At least, it does appear to me that to raise difficulties in the way of passing this measure will be of no benefit to Ireland, and is only saying that, with regard to that country, the law shall remain in its present state.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 209; Noes 183: Majority 26.

Debate *further adjourned* till *Friday* 28th April.

CONTROVERTED ELECTIONS, &c., BILL.

Order for Second Reading read.

MR. WALPOLE said, he would suggest whether it might not be advisable to refer this Bill and the Bribery, &c., Bill, as well as the Bill of the hon. and learned Member for East Suffolk (Sir F. Kelly) on the same subject, to a Select Committee.

LORD JOHN RUSSELL said, this was a subject in which the House took so much interest that he was afraid that the appointment of a Select Committee would not at all facilitate its discussion. He had, however, no objection to the hon. and learned Gentleman (Sir F. Kelly's) Bill being read a second time, but he did not think the Government would accede to the right hon. Gentleman's proposition for referring the three Bills to a Select Committee.

COLONEL SIBTHORP said he had opposed every bribery Bill, but he was not in favour of bribery. He considered the introduction of these Bills a low, dirty, mean, and nasty proceeding. What he wanted was, to see the Treasury benches purified, where he believed the grossest bribery had been practised. These Bills would prevent a man from exercising the common rights of hospitality; and they were brought forward, he believed, in order to save the pockets of hon. Members who went down to contest boroughs without having any money.

MR. LIDDELL said that he had intended to move a Resolution relating to the subject of this Bill on the Motion for the second reading, but having learnt from Mr. Speaker that it would be inconvenient for the House to entertain an abstract proposition on the second reading of the Bill, he would defer his Motion till the Bill was in Committee. The proposition he had on the paper was—

> "That it be an instruction to the Committee on the Bill that they have power to make provision therein for the trial of all cases which have been submitted to the 'preliminary Committee' before a court of law."

This Bill constituted a somewhat complicated machinery for the trial of controverted elections. To all the former part of the Bill, and the clauses relating to the examiners of election petitions, the recognisances to be entered into by petitioners and the admission of parties to defend, he had no objection; but he was opposed to the provisions for the appointment of ten assessors who were to be barristers of ten years' standing, and would receive a salary of 1,000*l.* each. The proposition to submit the evidence tendered to sustain allegations of corruption and bribery at elections to a preliminary Committee, analogous in its nature to a grand jury, who should decide whether the evidence was sufficient to justify the evidence being referred to a Select Committee for inquiry, was in his opinion a very wise and judicious arrangement. Nearly the whole of the remaining portion of the Bill relating to Election Committees would, of course, be omitted if the House should agree to the proposition of which he had given notice; and when it was considered how much dissatisfaction attended the decision of Election Committees, and how uncertain and conflicting they were, he was of opinion that the time had come for parting with what was called a privilege, but what really constituted a great burden on the House at the assembling of every Parliament. Questions of law and fact would be better tried before an ordinary court of law, and if that course were pursued greater satisfaction would be given and greater advantage gained to the public service. He would not, however, as he had said, make his proposition on the question of agreeing to the second reading.

Bill read 2°, and *committed* for Monday next.

MINISTERS' MONEY, &c. (IRELAND) BILL.

Order for Committee read. House in Committee.

Clause 1 *agreed to.*

Clause 2—

"(The charge of Ministers' Money for the year ending 31st December 1853, to be ascertained, all houses rated to the Poor at or under ten pounds, being deducted, and amounts to be certified to Collector General of Rates, Town Clerks, and Clerks to Boards of Guardians)"—

Proposed to fill the blank in page 2, line 38, with "ten pounds."

MR. FAGAN said, he would move that the limit should be fixed at 20*l.* rent, instead of at 10*l.*

THE CHAIRMAN said, that a proposition had been already made by the Government to fill up the blank with 10*l.* and the hon. Gentleman should propose, in the first instance, to negative that proposition.

MR. FAGAN said, he did not understand that the right hon. Gentleman the Chief Secretary for Ireland had proposed to insert 10*l.*

SIR JOHN YOUNG said that, as the Bill was the result of a compromise of opinion, it would not be fair to depart from the understanding which the House had on a previous occasion come to. He must adhere to that proposition, and resist the Amendment.

MR. HUME said, he hoped the Government would reconsider the matter, and put an end to this tax altogether, instead of persevering in the present measure, which would continue a system that was calculated to create a great deal of irritation in Ireland. They proposed to reduce the amount derived from the tax from 15,000*l.* to 7,000*l.*, and he thought it would be better to get the amount required from some other source.

Question put, "That the blank be filled with 'ten pounds.'"

The Committee *divided:*—Ayes 92; Noes 77: Majority 15.

MR. HADFIELD said, he would propose that the blank be filled up with the words "twenty pounds." The tax had been imposed by the worst Government that ever ruled in this country, and it was a tax in favour of one-sixth portion of the Irish people, having already 600,000*l.* a year for their religious purposes. He regretted that this offensive tax should be advocated by a Liberal Government. It was a Bill which should be called "A Bill for preventing the growth of Protestantism in Ireland." He lamented the Bill being brought forward, and particularly at a time when all religious disputes should cease and all minds be united. But, should it pass, let it not be supposed that that would terminate the contest.

SIR JOHN YOUNG said, he thought that the insertion of 20*l.*, instead of 10*l.*, would not at all meet the objection of the hon. Member, who declared himself opposed to the Bill altogether. The Bill was not to apply to any future assessment. No house that should hereafter be built would be liable to the tax. He thought they did not get the amount of credit they deserved for the relief that would be given under this Bill. At present the Ministers' Money was collected from houses at the rate of 2*s.* per house, and by this Bill it was proposed that all houses should be exempted that were rated at less than 10*l.*, and it would be found that the measure of relief given under the Bill would be very great. Surely, these were mitigations of the present law; but those who opposed the Bill would allow the tax to remain in all its objectionable character. At present there were houses rated at less than 10*l.* a year. If hon. Gentlemen negatived the Bill, those houses would still be subjected to the tax.

Mr. HUME said, he would admit that the Bill was one of relief, but it maintained the principle of the tax, and it was to the principle that he objected. Why not insert a clause to exempt all Roman Catholics from the tax? If they put in that clause there would be an end to the controversy.

Mr. MAGUIRE said, that the majority of the occupiers of houses in the towns of Limerick, Cork, and Kilkenny, were Catholics, and this Bill afforded them no relief. The principle of the tax just remained the same as it was in the time of Charles II. He would venture to say that at Summerhill, city of Cork, there were twenty Catholic professors who had a large amount of property, some twenty and thirty houses, and many of them twelve. In the city of Cork a great number of the occupiers of houses and payers of the tax were Catholics. It was not the house, but the occupier, that paid the tax. But, even if the tax were transferred from the occupier to the landlord, it would not remove his objection to the Bill, as it would only be removing the tax from Catholic occupiers to Catholic proprietors. The tax had a most prejudicial effect on the political rights of parties. When he sat last year in the revision court 300 persons were disfranchised by the nonpayment of the tax. They would not submit to the degradation of paying a tax to support the ministers of one religion in order that they might be qualified to vote for a person of another religion. If the Government were really anxious to place Protestants and Catholics upon an equal footing in Ireland, why not exempt Catholics from this tax altogether?

Mr. WHITESIDE said, that the last time he paid the tax he asked the collector whether he could tell him how many Protestant householders there were in the parish—that of St. George's, Dublin—and whether they were as nine to one of Roman Catholics, and the answer was that they were. 11,000*l.* a year of this tax was paid by the city of Dublin, and he was convinced that three-fourths of it, or more, were paid by Protestants. Now, the nature of the grievance, such as it might be, should be understood. There was no remedy against the person for this tax, only against the house. But he did not believe the occupier would derive any benefit from the repeal of the tax, for, if he did not pay it as a tax, he would pay it in the shape of increased rent.

Mr. J. O'CONNELL said, that the parish to which the hon. and learned Gentleman had referred—St. George's, in Dublin—was not a fair criterion as to the proportion of Roman Catholic and Protestant occupiers, for it was the richest parish in Dublin. [Mr. Whiteside: No; St. Peter's.] At all events, he hoped the Government would consider whether, after having made the concessions they had, it was worth while to battle for so small a remnant of a tax, which was so offensive to the feelings of a large majority of the people of Ireland?

Mr. APSLEY PELLATT said, they had reduced the number of bishops in Ireland, and got rid of the church cess; and where was the difference between the church cess and the tax now under consideration? The tax was originally established against Roman Catholics; it was a mark of triumph over them, and even on account of its historic recollections they ought to be relieved from it. Why not reduce a few more bishops? Why should the present establishment in Ireland be maintained, when the number of Protestants in proportion to the Roman Catholics was so inconsiderable? He begged to call the attention of the House to the petition of Samuel Beale, a Quaker, residing in Cork, who stated that on the 2nd of this month there were taken from his house six chairs and a sofa of the value of 9*l.* for a demand of 4*l.* 7*s.* 6*d.*, and they were sold for 3*l.* 11*s.*; and he was in daily expectation of another seizure to make up the deficiency.

Mr. FAGAN said, that all houses under 10*l.* in the city of Dublin were unquestionably occupied by Roman Catholics, and he was surprised that the Chief Secretary for Ireland should not recollect the fact of it having been so stated before the Committee. He could also assure the right hon. Gentleman that a great portion of the property in the city of Cork belonged to Roman Catholics.

Question put, "That the blank be filled with 'ten pounds.'"

The Committee *divided*:—Ayes 92; Noes 71: Majority 21.

Clause *agreed to.*

Clause 3 (The sums so certified to be raised in each parish by means of a rate upon all houses now chargeable except those rated under 10*l.*).

Mr. J. O'CONNELL said, he should move to add to this clause the following words:—"Provided also that no houses the property of Roman Catholics or Dissenters, be liable to be rated."

Amendment proposed, in page 3, line 28, after the words "Ministers' Money," to insert the words "Provided also, that no houses the property of Roman Catholics or Dissenters, be liable to be rated."

Sir JOHN YOUNG said, he must object to the Amendment, as totally at variance with the principle on which the Bill was read a second time.

Mr. HUME said, he considered that the second reading of the Bill only affirmed that certain funds were to be raised. He should support the Amendment, because he considered that a Church of England Establishment ought to be supported by the members of that Church.

Mr. NAPIER said, he should oppose the Amendment, for every concession made to certain parties in Ireland only appeared to lead the way to further demands. There would be great difficulty in practically working such a scheme as that proposed by the hon. Member for Clonmel (Mr. J. O'Connell).

Mr. FRENCH said, that it would not be impossible to carry out the Amendment, because a similar provision was already the law of Canada with respect to tithes. Property ceased to be charged for tithes if it passed from the possession of a Protestant into that of a Roman Catholic.

Sir JOHN YOUNG said, that this was not a religious question, but simply one of money. The charge in question was not a personal charge, but one upon property. It would be impossible practically to carry out the proposition of the hon. Member. Suppose a house belonging to a Roman Catholic or Dissenter was inhabited by a member of the Church of England, was he to pay? Again, suppose a house belonging to a member of the Church of England was inhabited by a Roman Catholic, was the owner to get *2l.* or *3l.* a year more for his house because it was exempt from rating in virtue of being occupied by a person not liable to the tax? If they agreed to this proviso, there would be no end to questions such as those to which it would give rise.

Mr. HUME thought that the members of each persuasion ought to pay their own ministers as they do their own doctors.

Mr. MAGUIRE said, that it was impossible to separate the religious question from the one of pounds, shillings, and pence. The Roman Catholics felt severely the injustice of being called upon to pay a tax for the support of the clergy of another faith; and he must contend that it was a burden from which they had a right to be relieved. It was said that this was not a personal tax. It was, however, originally imposed for the "cure of souls." Now, it was clearly not the soul of a house, but of a man that was to be "cured;" and, therefore, it was clear that the tax must be an individual and personal charge.

Viscount PALMERSTON said, he would beg the hon. Gentleman (Mr. Maguire) and those who acted with him, to consider what was involved in the principle they advocated—that no person of one religion should ever be called upon to contribute to anything connected with another. He would beg the hon. Gentleman to recollect how his doctrine would apply to the allowances made to Roman Catholic chaplains for attending upon the soldiers of the Army and the sailors in the Navy; and also other matters in which Roman Catholic interests were concerned. This tax had nothing to do with any religious question. It was a tax upon property, and it would be perfectly preposterous to make the rate upon a house dependent upon the religion of its owner. Was the imposition or non-imposition of the tax to be regulated by the religion of the head or of the immediate landlord? or was it to depend upon the religion of the occupier? If they adopted any such principle as that of the proviso, they would be involved in endless absurdities. The tax was one upon property, to which every man knew that he was liable when he purchased it, and had really nothing whatever to do with religious feeling.

Mr. HADFIELD said, that the noble Lord had warned the House against pushing the doctrine of the hon. Member opposite (Mr. Maguire) to its full extent. He (Mr. Hadfield) wished to carry it as far as it could be carried. Let the iron hand of the Church of England be taken off the whole country. The Church of England was not the National Church; he never wanted to hear it called by that offensive name. Not one-fourth of the people of this country were members of that Church. Why should Dissenters pay for its support? He would remind the Government that, with the Message from the Crown which had that day been read fresh in their memories, it was important to have the support of hon. Members on the other side, Religious quarrels had always been the weakness of this country.

Mr. LUCAS said, that although the noble Lord thought there would be great difficulty in carrying out the proviso, he must remind him that his hon. Friend the Member for Roscommon (Mr. French) had pointed out that it was in practical operation in Canada, where the experience of fifty years had demonstrated that it was unattended with any difficulty. The only real difficulty in adopting it in Ireland lay in the fact that there the property was to pass from Catholics to Protestants, while in Canada it passed from Protestants to Roman Catholics. When the noble Lord told the Catholics to be afraid of pushing this principle too far, lest they might lose some of that liberality which they derived from the votes of that House in favour of their religion, he (Mr. Lucas) would suggest that the noble Lord must be treating the House to an ironical compliment that it did not very well deserve. Suppose that all future applications of the taxes to the support of any religious community were stopped, who would be the losers? Not the Catholics. They would, on the contrary, be gainers. They would accept the noble Lord's challenge, and would ask him to follow it up. They were quite ready to put a stop to all applications of the public money to religion, and to abide by the result. With respect to the Roman Catholic chaplains in the Army and Navy, the Catholics did not receive the commonest justice on these points. They gave to the Roman Catholics in the Army and Navy the most insignificant fraction of what he would not call justice, for it was rather an insult than anything else; and they refused them justice on every question in which the religious interests of the country were involved, and then told them (the Catholics) to be careful how far they pressed their claims, lest they should be losers.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 71; Noes 92: Majority 21.

Mr. FAGAN said, he now would beg to move an Amendment relative to the funds at the disposal of the Ecclesiastical Commissioners, of which he had given notice. The income of the Commissioners had increased considerably during the last two years, and they had recently funded a large sum. Under these circumstances, he thought they ought rather to fall back upon their funds than to rely upon the imposition of rates.

Amendment proposed, at the end of the clause, to add the words—

"Provided always, that on or before the 25th day of March in every year after the passing of this Act, it shall be ascertained by the Ecclesiastical Commissioners for Ireland, and declared by them in the *Dublin Gazette*, what increase of income the said Commissioners have obtained during the year preceding the 25th day of March, by reason of the avoidance during the year of benefices or of bishoprics, or by reason of the increase of the tax payable from benefices and bishoprics; and the said increased amount of income in each year shall be deducted from the whole assessment to be levied as aforesaid off of the said eight cities and towns, and the Commissioners shall thereupon notify to the Collector General, to the Town Clerks, and Boards of Guardians aforesaid respectively, the proportion of the said reduced sum, which is to be collected in each city or town respectively, to be ascertained according to the proportion which the amount each said city or town has to pay the first year after the passing of this Act, bears to the entire sum to be levied the said first year and so on, every succeeding 25th day of March in every year, until the entire of said assessment is wholly reduced and extinguished."

Sir JOHN YOUNG said, that this was in principle the same Motion as his hon. Friend had already brought forward for the abolition of the tax; the only difference was, that in the one case it would cease gradually, and in the other immediately. His statements with respect to the Ecclesiastical Commissioners arose from a misapprehension. It was supposed that because the Ecclesiastical Commissioners had funded 40,000*l*., they had therefore saved that sum. But their Report showed that it was only put by until it was required for purposes to which it was already devoted. One of the most important objects in view at the time of the establishment of that Commission was the augmentation of small livings. Now, so entirely had their funds been exhausted hitherto, by repairs and other expenses, that not one small living had been augmented. There were in Ireland a great number of small livings under 100*l*. a year, and he thought it was not making a very exorbitant demand to ask that they should be augmented to 200*l*. a year. If, however, they agreed to this Amendment, that would be indefinitely postponed. On these grounds he must oppose the proposition of the hon. Member.

Mr. HADFIELD said, he should support the Amendment, on the ground that all the surplus funds in the hands of the Commissioners ought to be applied towards the diminution of this offensive tax.

Question put, "That those words be there added."

The Committee *divided* :—Ayes 76; Noes 95: Majority 19.

MR. MEAGHER said, he objected to compelling town councils and boards of guardians to collect taxes or stipends for ministers, as those bodies had been constituted for purposes of a very different description. He should therefore move that the clause be omitted.

Motion made, and Question put, "That the Clause as amended stand part of the Bill."

The Committee *divided* :—Ayes 99; Noes 72: Majority 27.

Clause *agreed to*, as were also Clauses 4 to 10 inclusive.

MR. VANCE said, he would now beg to bring forward the clause of which he had given notice, which related to the compensation of the persons now employed in the collection of ministers' money.

SIR JOHN YOUNG said, he was of opinion that those collectors for whom the hon. Member opposite sought compensation stood precisely in a position similar to that in which the tithe proctors had been placed, with respect to the collection of tithes; yet in their case no compensation had been given by the Legislature. He thought the principle upon which the hon. Member asked the Committee to act was a bad one, and he could not therefore accord it his sanction.

Clause *brought up*, and read 1°.

Motion made, and Question put, "That the said Clause be now read a second time."

The Committee *divided* :—Ayes 18; Noes 144: Majority 126.

House resumed. Bill *reported*.

CHURCH BUILDINGS ACTS CONTINUANCE BILL.

Order for Committee read.

MR. HADFIELD said, he had given notice of an Amendment to limit the duration of the Commission for one year; he had been informed that the noble Lord (Viscount Palmerston) was disposed to accede to that Amendment, or, at all events, to some limit other than that adopted in the Bill; and if the noble Lord would give him some assurance to that effect, he would not move his Amendment, but otherwise he should press it to a division.

VISCOUNT PALMERSTON said, the Bill, as it now stood, was to continue the Commission for ten years. A suggestion had been made for the consolidation of the laws under which the Board acted and for various other changes. These matters certainly deserved consideration; but they required considerable time for their settlement. He had no objection to limit the duration of the time to two years. To take less than that would be trifling with the House, because it would be quite impossible that either himself or any other person in his position would be able to say that the proposed arrangements could be carried into effect in less time.

THE MARQUESS OF BLANDFORD said, he thought the continuance of the Commission ought to be limited to one year. It was well known that the Acts which they had to carry out were of a most complicated structure. An attempt had already been made to consolidate them; but it only made matters worse, for when the Bill was framed, it was found to be of such a magnitude that it was thought proper not to proceed with it. There was, however, no need for a consolidation, or for the continuance of the Commission beyond a very limited period; because there was an Act now in force, the 6th and 7th Victoria, commonly called Sir Robert Peel's Act, which might be made available for every purpose. That Act contained twenty-seven clauses, under the provisions of which nearly 250 parishes had been constituted. This Act had been of the greatest possible benefit to the Church; it was of a most practical nature, and was conceived by a master spirit. If it had proved effectual for the constitution of 250 parishes, there was no reason why it should not constitute 2,000 if they were needed, for a very simple extension of its powers would give all the facilities necessary for a further division of parishes throughout the United Kingdom. Another reason why the Commission ought not to be continued for the time proposed by the Government was, that a considerable body of evidence had been taken by the Commissioners for the division of parishes, which would shortly be before the House, and to which he intended to call attention. Most of this evidence had been given by persons acquainted with the Church Building Acts, and he believed that when this evidence came to be considered, it would be found that there was no necessity for making the change now proposed. He had given notice of a Bill, which he hoped to be able to introduce after Easter, combining the principles he had thus briefly adverted to; and when he explained the provisions of the measure, he thought it would be found that the division of parishes might be effectually carried out by the Ecclesiastical Commissioners without the slightest difficulty, and without a multiplicity and complexity of Boards. Under these circumstances, if the hon. Member for Sheffield (Mr. Hadfield) went to a division upon the Motion for limiting the duration of the Commission to one year, he should be inclined to support him.

Mr. PALK said, that Sir Robert Peel's Act was a most valuable one, but the great fault of it was, that it provided no means for the building of the Church after the endowment. If this Act were extended, and it was permitted by means of seat-rents to raise funds for the building of churches, the Act would at once become a very valuable one.

Mr. R. J. PHILLIMORE said, that, with respect to the consolidation of these Acts, he had from his own experience found it was very difficult to reconcile them, and they were about as disgraceful a specimen of ecclesiastical legislation as the enemies of the Church could desire. He considered that these were reasons why the proposition of the noble Lord the Member for Tiverton (Viscount Palmerston) to limit the Bill to two years should be accepted; to continue the Acts for ten years would be far too long.

House in Committee.

Clause 1. Proposed to fill the blank with the words "until the 20th of July, 1856."

Mr. HADFIELD said, he had given notice of his intention to move that the duration of the Act be limited from its passing to one year and to the end of the then next Session of Parliament. This Bill was a continuance of a series of Acts, eighteen in number, the commencement of which was thirty-six years ago, and the whole business of which originated in two grants, one of 1,000,000*l.* and the other of 500,000*l.*, for the purpose of building churches. From 1801 to 1831, a period of thirty years, 500 churches had been built, at the expense of 3,000,000*l.*, of which the Government contributed 1,152,000*l.* But what happened in the next twenty years, when there was freedom to build churches which there was not before—from 1831 to 1851? Why, that 2,029 churches were built, chiefly by voluntary subscriptions. Here was a testimony to the efficacy of the voluntary principle. The cost of these 2,029 churches had been 6,087,000*l.*, of which only 511,000*l.* was contributed by the Exchequer, so that 5,576,000*l.* had been contributed voluntarily. And what had been the state of things during this time? Why, so full of complication were the Statutes that no man would undertake to arrange them. Persons in the Church were anxious that the duties of this Commission should be undertaken by the Ecclesiastical Commissioners. The expense of it was 10,000*l.* a year, while the whole of the sum granted for the building of churches had been long ago expended. He thought, under these circumstances, he was justified in asserting that these Acts ought to be put an end to.

Mr. ALCOCK said, he should vote for this proposition. It had been said on both sides of the House that the Church Building Acts were totally inconsistent with each other, and he would satisfy the Committee that on this ground there was a necessity for some alteration. The Commissioners had power to form ecclesiastical districts and to consolidate chapelries. As regards the formation of ecclesiastical districts, they had power to constitute a portion of a parish into a district, which district was exempt at the end of twenty years from all further rates to the mother church; but a consolidated chapelry which was formed out of two parishes was treated in a different manner. But the Commissioners had no power to exempt, at the end of twenty years, a consolidated chapelry from the compulsory payment of rates to the mother church. These things were perfectly inconsistent, and therefore he should vote for continuing the Acts for the shortest possible time.

Viscount PALMERSTON said, that his hon. Friend who made this Motion had not adverted to the difference between what he proposed and what he (Lord Palmerston) proposed. With regard to the duration of a Commission of this sort, it was of great importance, not merely to the functions of the Commission, but to the interests of the public, that it should be definite, and that everybody should know when its functions should cease. Therefore he had proposed that it should continue till the 20th of July, 1856. But his hon. Friend proposed that it should be continued for one year from the passing of the Continuance Act, and to the end of the then next Session of Parliament. Let the House observe that one year from any part of this Session would be the middle of the next Session. It would then continue to the end of 1856; and if it happened that Parliament should sit till September or October, the Commission would be continued for two or three months longer than he (Lord Palmerston) proposed. He was sure his hon. Friend would not grudge him this trifling matter, which was taking two or three months more that he did not wish to give. He thought his demands exorbitant, and he had better be content with the two years certain that he (Lord Palmerston) was willing to give.

Mr. HORSMAN said, he wished to remind the Committee that this Church Building Commission was constituted to administer certain funds that were granted by Act of Parliament to extend and improve the parochial system. In 1848 he was a member of a Committee appointed to inquire into the working of the Ecclesiastical Commission, and on that occasion the secretary stated that the Acts were so complicated, that scarcely even a professional man could understand them; that all the funds now in the hands of this Commission were 12,000*l.*, and a further sum owing to them of 17,000*l.*; and that the annual expense of the establishment was 5,000*l.* But along with this Church Building Commission there were two other Commissions sitting at the same time—namely, the Ecclesiastical Commission and the Queen Anne's Bounty Board. The Ecclesiastical Commission was chiefly composed of *ex-officio* members drawn from the Episcopal Bench, and Queen Anne's Bounty Board was formed partly of the same men. These three Boards were, indeed, composed practically of the same members, and it was brought out that they met frequently on the same day, and to administrate nearly the same business at an expense of 15,000*l.* a year. He contended, therefore, that instead of having three separate Boards, with a salary amounting, for the three, to 15,000*l.* a year, it would be better to have one lay Board of practical men, to whom a salary might be given of 5,000*l.* a year, and thus 10,000*l.* a year would be saved to the country, and the business would be much more efficiently performed. He could not think what the objection to this course could be, inasmuch as all the functions now vested in the Commissioners might be transferred to the lay Board which he recommended. He thought, therefore, under the circumstances, that the best course would be to agree to the continuance of this Bill until July, 1855, and, in the meantime, for Government to introduce a measure to throw all the business into the hands of a lay Board.

Question put, "That the blank be filled with the words, 'until the 20th day of July, 1856.'"

The Committee *divided*:—Ayes 153; Noes 49: Majority 104.

Clause *agreed to.* House resumed. Bill *reported.*

SLIGO ELECTION.

Mr. KER SEYMER said, as the Chairman of the Sligo Election Committee, he rose to move that the Attorney General for Ireland be instructed to prosecute Michael Gethin, Henry Simpson, and James Simpson, for their conduct, reported to the House by the Select Committee appointed to inquire into the allegations of the petition of John Patrick Somers, Esq. In a matter of that kind he would never have deemed it his duty to have stirred had it not been for the suggestion thrown out by the noble Lord the Member for the City of London (Lord J. Russell), in deference to which he now brought forward this Motion. He understood that the hon. and learned Member for Youghal (Mr. I. Butt) would have had some legal objection to make against the course which it was proposed to pursue. He regretted, however, to have received information that the hon. and learned Gentleman was obliged to be absent through ill health. But notwithstanding that, he felt he would not be justified in postponing his Motion any further. He would only say in conclusion, that if any legal discussion arose, as one wholly unversed in law, he should feel wholly incompetent to take part in it, and should therefore leave the hon. and learned Gentlemen to fight out the matter amongst themselves, with as much difference of opinion and as much ability as seemed to characterise all such disputes. At the same time he most sincerely hoped that there would be an absence of all those mistakes which so much marked Irish State prosecutions, and that no mere legal technicalities would interfere with the due course of justice.

Mr. WHITESIDE said, he wished to explain, on behalf of his hon. and learned Friend (Mr. I. Butt) and himself, that it had occurred to some of those who had read the Report describing the enormity of the offences perpetrated, that it might be more in accordance with the rules of the House if the offenders were brought to the bar, to be dealt with according to the judgment of the House; but as the person the most competent to direct their opinions in such matters—he meant the noble Lord the Member for the City of London — believed that those persons ought to be prosecuted, he would only join in the hope expressed by his hon. Friend (Mr. K. Seymer) that the prosecution would be conducted with energy and ability—and, indeed, he had no doubt it would—by the Attorney General for Ireland. The case included the commission of bribery, a conspiracy, and subornation of perjury. And he would remind the House that it would be utterly impossible to effect any reform if they did not enforce justice against such notorious offenders as those implicated in these illegal and unconstitutional practices.

THE ATTORNEY GENERAL said, it appeared that the offences charged were of a very grave and serious character. If, however, the offenders had been brought to the bar, as the House was well aware, all it would be competent for them to do would be to imprison the guilty parties, the imprisonment only to endure during the sitting of the House. Now if they were convicted of the offences of which they were accused, he ventured to express a belief that such a term of imprisonment would be a very inadequate punishment. It was therefore more fitting that they should be prosecuted by the Attorney General for Ireland.

Ordered—

> "That Mr. Attorney General for Ireland be instructed to prosecute Michael Gethin, Henry Simpson, and James Simpson, for their conduct reported to this House by the Select Committee appointed to inquire into the allegations of the Petition of John Patrick Somers, esquire, complaining of irregular and unconstitutional proceedings in the matter of a Petition complaining of the Return of John Sadleir, esquire, for the Borough of Sligo."

The House adjourned at a quarter after Eleven o'clock.

HOUSE OF LORDS,

Tuesday, March 28, 1854.

MINUTES.] PUBLIC BILL.—1ª Chimney Sweepers.

ADMINISTRATION OF JUSTICE IN IRELAND.

THE EARL OF CLANCARTY: My Lords, when I gave notice on the 21st of the Motion I am this day to bring forward for the production of certain particulars of information relative to the cases of John and Hugh Murphy, who were indicted, but not tried, at the late Armagh Assizes for the murder of James Wilson, it may be in the recollection of your Lordships that I read from the *Morning Herald* newspaper of that day the paragraph which drew my attention to the subject, and which impressed me with the importance of bringing it at once, and publicly, under the notice of Her Majesty's Government, that they might give the earliest contradiction to a statement, so calculated as was that contained in the paragraph in question, to impress the public mind in this country with a most unfavourable opinion of the manner in which justice is administered in Ireland. The interval of a week has not, I trust, passed over without their having communicated with the authorities in Ireland, and being this day prepared to afford to the House some explanation of proceedings in reference to the conduct of Crown prosecutions, of so startling a nature as those which I laid before the House. In order that your Lordships may fully understand any answer that may be given, I must beg leave as briefly as I can, to bring the case again under your notice. It appears that the deceased Wilson, shortly before the occasion on which he lost his life, had had a dispute with the father of the Murphys, but in consideration of his grey hairs, had refused to fight with the old man. The paragraph proceeds:—

> "Some time after, when engaged in drawing turf, a challenge was sent to him by John Murphy, the brother of the prisoner, which he accepted. The men engaged in a pugilistic encounter, and had fought two or three rounds, without any interruption or foul play, when Hugh Murphy, having armed himself with a spade, which he brought from some distance, and taking his position on an elevated ground on which the men fought, watched his opportunity, and struck Wilson with so much violence as to cleave his skull, at the same time calling to his brother, with a horrid imprecation on Wilson, 'Now he's down, murder him out'—advice which the brother endeavoured to follow by striking him repeatedly as he lay. Wilson was rescued, but only to be taken to the infirmary, where he died. The Murphys were both arrested, and in due course true bills were found against them for murder by the grand jury. It is said that the family of Wilson were prepared to prove a clear case of conspiracy, on the part of both the Murphys, to murder Wilson. The opportunity was not given them. When the prisoners were arraigned, and had pleaded 'not guilty,' their counsel proposed a compromise with the Crown, according to which Hugh Murphy was to plead guilty of manslaughter. Counsel for the next of kin appealed against such an arrangement, but received a flippant rebuke from the Crown prose-

cutor, to the effect that the duty of counsel in such cases was to 'assist but not direct the Crown.' The Judge agreed to this reading of the law, and in an address of something very like condolence and compliment, sentenced Murphy to six months' imprisonment. John Murphy was discharged without trial. The Judge who presided on this memorable occasion is a Roman Catholic. The culprit whom he sentenced received a character from his 'pastor,' a Roman Catholic priest."

In connection with this, and bearing out the main allegations with respect to the proceedings at the assizes, I read to your Lordships the following notice of what took place at Armagh :—

"ARMAGH, March 11. John and Hugh Murphy were indicted for the wilful murder of James Wilson. This case (which appeared to have excited considerable party feeling and animosity), was not tried, owing to an arrangement entered into by the counsel for the Crown and those for the prisoners. John Murphy was acquitted, as there was no evidence brought forward against him, and Hugh Murphy pleaded guilty to the charge of manslaughter."

I also read the following report of what the learned Judge (Serjeant Howley) said, on sentencing the prisoner, Hugh Murphy :—

"ARMAGH, March 14. Mr. Serjeant Howley:—Hugh Murphy, you have peaded guilty to an indictment charging you with the manslaughter of a man named Wilson. It appears he and your brother having quarrelled, agreed to fight out their dispute ; and while so fighting, and without weapons, you ran for a spade, and having procured one, returned to the scene of the contest and struck Wilson with that heavy spade a blow on the back of the head, in consequence of which he lost his life. You have received a good character, and it is a favourable feature in your case that you made no repetition of the blow, and that you were probably excited in seeing your brother engaged in fighting. The court, therefore, consider it will be sufficient punishment to sentence you to be imprisoned for six calendar months, and kept to hard labour."

Now, my Lords, notwithstanding the very startling doctrine to be gathered from the words said to have been spoken by the learned Judge, that a blow, however deadly, if it be not repeated, constitutes a case of manslaughter only, and not murder, and notwithstanding the apparent inadequacy of the punishment awarded for so atrocious a crime, I feel it right to observe to your Lordships, and I do so with great pleasure, that I have always heard that learned gentleman spoken of, especially in his judicial capacity, with the highest respect—and that among many letters I have received within the last week relative to these Armagh proceedings, all in condemnation of them, one, from a magistrate and grand juror of the highest respectability, strongly attests the acknowledged impartiality and uprightness of Mr. Serjeant Howley, as a circuit Judge, but, at the same time, expresses astonishment at the nature of the sentence, and the terms in which it was delivered upon Hugh Murphy. The considerations arising from the whole of the case to which I would wish to direct your attention, are—first, that if the main facts have been correctly stated, and as they are in perfect accordance with the informations sworn before the magistrates on the occurrence of the outrage, and also with those subsequently taken by the coroner at the inquest on the body, I fear they are not capable of being contradicted, and these informations are here before me for any of your Lordships to peruse—I say, then, assuming the facts to have been correctly set forth, it appears that two men, against whom a grand jury had found, upon the evidence submitted to them by the Crown, true bills for murder, and who had been arraigned before the court, and pleaded "not guilty," had been let off—one to go at large at once without any trial, and the other, also, without a trial, with only six months' imprisonment, the same punishment that was awarded at the same assizes, in one case for a simple assault, in another for stealing a cloak, and in a third for stealing from a workhouse a pair of shears and a trowel. The second point to which I would direct your Lordships' attention is the injustice done to the prisoners themselves. Our administration of justice in open court is designed no less as a protection to the innocent, to afford them the opportunity of publicly clearing themselves from the imputations of crime where they have been unjustly charged, than to make our tribunals of justice a terror to the guilty. Now, by the proceedings that have taken place, both these objects have been defeated. From the manner in which the cases of the Murphys have been disposed of, no public trial having taken place, where the facts and evidence upon which the grave charge of murder rested could be sifted, and evidence, if any there was, to establish their innocence, adduced, these two men are left with the brand upon their characters of the bills of indictment for murder, which the grand jury of their county have returned as "true." John Murphy is discharged at once upon the country, without one extenuating circumstance having been put forward in his favour; and of Hugh, who agreed to avoid the trial for murder by pleading guilty to manslaughter, all we can learn is, that he received a good character from his parish priest, and that the Judge considered it a favourable feature in his case that he did not repeat the blow which proved fatal to his victim. The third point which calls for consideration is the dispensing power that appears to have been assumed by the Crown prosecutors. Every step has been taken to bring to trial two men accused of the gravest offence known to the law—namely, the crime of murder. The evidence has been arranged, the grand inquest of the county has returned true bills against the prisoners, they are arraigned before the court, and they plead "not guilty;" the witnesses were at hand, the next of kin to the deceased had, with the cognisance of the Crown lawyers, employed counsel to assist in the conduct of the prosecution, when, for reasons unexplained, one of the men is discharged, and a trial avoided, in the case of the second, by getting him to plead guilty to a minor offence. I presume the law must be so, as so it was ruled by the court when remonstrance was made against the course taken by the Crown; but if such power of dispensing with the law does rest with the Crown prosecutors, it was, to say the least of it, a most indiscreet and unfortunate case in which to exercise it. The last consideration I will submit to your Lordships as arising out of the case, is the lamentable effect such a mode of administering justice must have upon the country, shaking all confidence in the wisdom and firmness, if not also in the integrity, of the proper guardians of justice. That it has been productive of very serious injury, I regret to say I have the most certain information. I will not trouble your Lordships by reading all I have learnt upon the subject; but when it is represented, as it has been to me, that the frustration of the ends of justice has been a source of triumph on one side, and of indignation on the other, the law cannot be said to have been wholesomely administered. The triumph, I learn by the letter I hold in my hand, was celebrated by a bonfire at the Murphys', and the feelings of those who were before indignant at the murder are now exasperated at the manner in which their appeal to the laws of their country has been set aside. Another gentleman writes to me as follows:—

> "Your Lordship's proposed inquiry is highly necessary on public grounds. The neighbourhood where the murder had been perpetrated is greatly excited by reason of the strange procedure on the part of the Crown prosecutor; and the risk is, that should any further collision arise, recourse may be had, not to the law of the land, resort to which has proved unavailing, but to *lex talionis*, a more sure as well as a more summary process."

I will read but one more extract; it is from a magistrate of the highest respectability in the county. He writes:—

> "The district in which the sad occurrence took place is very populous and very loyal; the people have been accustomed to respect the laws not merely as corrective, but as protective, and resorted to it with confidence accordingly. The shock given to this confidence by these proceedings will require years to get over. Your Lordship can form little idea of the excitement and indignation which prevail upon the subject."

I need not trouble your Lordships by further dwelling upon the subject. I have said sufficient, I think, to show how important it is that the recurrence of such a case should be guarded against. Much is often said of the maladministration of justice, owing to the want of good juries in Ireland; that, my Lords, is also a subject requiring consideration by the Legislature, for both reason and experience make it plain that with a population so largely under the influence and controlling spiritual power of the priests of the Church of Rome, that power will always, where questions arise in which the interests or asserted rights and immunities of the Church are concerned, be exercised in a manner prejudicial to the impartial consideration of law and evidence. But the case before your Lordships is quite unconnected with the jury system—it is the exhibition of a perversion of justice by those who should see it faithfully executed. That some explanation may be afforded by the Government to palliate the complexion it bears, I certainly do hope, although the hope I once had that it would have admitted of a complete contradiction, I now no longer entertain. Ulterior proceedings I certainly do not propose to found upon the returns I am to move for; my object, my sole object, in moving for them, having been, in fact, to afford to the Government the opportunity of placing before the country the most public contradiction of the statement that had appeared in the public press, or such explanation or disavowal of the proceedings said to have taken place, as might be satisfactory to the minds of those who are jealous of the honour and reputation of our public tribunals. I, therefore, shall not press for the production of the returns, if such explanation be afforded as, I trust, it will be in the power of the Government to afford. I beg to conclude by moving, in the terms of my notice,—

> "That there be laid before this House Copies of the Informations against John and Hugh Murphy, indicted at the late Assizes at Armagh, for the wilful murder of James Wilson; also, Of the findings of the Grand Jury on the Bills of Indictment in each of those Cases; also, Of the Notes of the Judge before whom those Cases were tried; and also, Of the Verdict and Sentence, if any, in each Case."

THE LORD CHANCELLOR said that, in reference to that part of the Motion which asked for the notes of the Judge, any order of the House could scarcely extend to these, because a Judge might, if he pleased, take no notes at all. The notes which were taken were to guide the Judge's memory, and might be very short; and many very accurate judges took merely sufficient notes to guide their own memories; so that if their notes should be produced they would very probably prove to be of no use to anybody else. In this case, moreover, from its very nature, no notes could be produced, because there was no trial, and therefore no notes were taken. As to the other papers, there could be no difficulty in producing them. He might state to their Lordships that on the day following that on which the noble Earl had given notice of his Motion, he had put himself in communication with the Chief Secretary for Ireland, who had written over to obtain all the information that could be got upon the subject; and it was only that very day, and just before entering the House, that he (the Lord Chancellor) had been put in possession of the results of the inquiries which had been made. No doubt the noble Earl had stated the facts very much as he (the Lord Chancellor) had received them; and he gave the noble Earl full credit for sincerity in bringing forward his Motion, and took for granted that he had done so with the desire that justice should be purely and impartially administered in Ireland. He should, perhaps, be offering a pledge of his own sincerity in making this admission, when he said that he did not consider that the course pursued in the instance complained of was the most discreet way of administering justice, where a charge so serious as that of murder was involved. Wherever there was a charge of murder, the best and most satisfactory course that could be pursued—and it was the one invariably adopted in this country—was, to let it be tried, and to let the jury find a verdict of manslaughter, if the circumstances should lead them to the conclusion that a case of manslaughter only had been made out. No doubt, in less grave cases, where the charge was of a complicated character, as, for instance, where there was an indictment for burglary, which involved the breaking into a dwelling-house in the night, and where that indictment included a charge of stealing, he could imagine that it might appear to the Crown prosecutor, upon looking at all the circumstances, that the charge of burglary could not be sustained, that on the prisoner's pleading guilty of the stealing, it might be thought unnecessary or undesirable that the trial for burglary should proceed. The case, however, which the noble Earl had brought under the notice of the House was not of a parallel nature. When he (the Lord Chancellor) was young at the bar, and prosecutions for bank forgeries were rife, it very often happened that two bills would be preferred against the same prisoner—one for uttering the alleged counterfeit note, knowing it to be forged, which was a capital offence, and the other for having it in his possession, knowing it to be forged, which was not capital; and in some cases, where a prisoner pleaded guilty to the minor offence, sentence was passed without going into the capital charge: but he was bound to say, that in his experience he had never known a case in this country in which, a bill of indictment for murder being found, the party charged was allowed to plead guilty of manslaughter, and no evidence was offered as to the graver offence. The result might practically be the same; but he thought it not a discreet course of proceeding. He did not entertain the least possible doubt that Serjeant Howley, having the depositions in which all the facts were stated before him, looked at those depositions, and satisfied himself the Crown prosecutor was perfectly correct in saying there was not the least pretence for finding these men guilty of murder; and therefore they took the course of bringing to a short conclusion that which, if the case had gone on, would have been brought to the same conclusion. That was the state of things as represented to him; and he could only repeat he did not think he should be acting rightly if he said that was, in his opinion, a discreet mode of dealing with the case: he considered it would have been infinitely better to have tried the men for murder, though the result would have been exactly the same. As to why the sentence was only six months' imprisonment, that was more than he could pretend to divine. It was impossible for him to know all the circumstances either mitigating or aggravating the offence. The subject must necessarily be a very delicate one, and it could not but be most difficult for any persons to deal with it except those who had read the whole of the evidence, and who had gone minutely into the question; but he thought their Lordships would agree with him that it was a very delicate matter to call a judge to account, or ask him for explanation, for passing too lenient a sentence. The noble Earl had brought the notice forward in an extremely proper manner. He was, no doubt, substantially correct in the statement he had made, and the explanation was that the learned Judge was so satisfied the result after the trial must be the same as without a trial, that he did not think it necessary the trial should take place.

Lord MONTEAGLE was desirous of saying a word or two upon the Motion introduced by the noble Earl. If there was ever a gentleman in Ireland who had been the means of conciliating and bringing together a large portion of the people of that country, of all religious classes and denominations, that gentleman was Mr. Serjeant Howley. In the unfortunate county of Tipperary, Mr. Serjeant Howley had administered justice, as assistant barrister, with a zeal, ability, discretion, and firmness which had enabled him to overcome almost insuperable difficulties, and to confer a vast amount of benefit upon the population of the district. A proposal to review in that House, upon very imperfect knowledge of the circumstances, the acts of judges, public officers, and juries, was at all times a measure to be viewed with hesitation and with a certain degree of disfavour; for, though he did not mean to deny that a case might arise which might meet with the disapprobation of their Lordships, he was quite convinced that such cases would be of very rare occurrence; and it seemed to him that discussing such matters without any tangible Motion on which they could pronounce an opinion, was fraught with dangerous consequences, and would be prejudicial to their Lordships' House. With regard to the trial of which complaint had been made, he would merely remark that nothing could contribute to weaken the administration of justice more than preferring serious charges against judges, and failing to substantiate them. Long before Mr. Serjeant Howley was in a position to exercise a discretion of this nature, it was frequently exercised by other judges, who allowed the withdrawal of indictments which the evidence was not calculated to sustain, and adopted the principle of only going into charges upon which there was a probability of the jury convicting, going on the principle that the certainty of punishment following crime was a very important point of criminal jurisprudence. With regard to the position which the Crown prosecutor in Ireland filled, it was his duty to watch the proceedings and assist in bringing offenders to justice; but that by no means prevented private prosecutors coming forward and pressing charges in which they were interested; and if in this instance the friends of the deceased believed that the parties charged were guilty of murder, the Crown prosecutor declining to prosecute did not prevent them taking that course. On the whole, he believed that the Crown prosecutions in Ireland were exceedingly well conducted. With regard to the question of the too great leniency of the sentence passed upon the prisoner who pleaded guilty to manslaughter, he held that if judges were to be trusted at all, they ought to be trusted with the extent of punishment they thought fit to award.

The Earl of EGLINTON had great pleasure in corroborating the observations made by the noble Lord opposite (Lord Monteagle) with reference to Mr. Serjeant Howley. He was perfectly satisfied that Mr. Serjeant Howley had been actuated by no sectarian or party feelings, and he could assure their Lordships that, when in Ireland, during the indisposition of one of the judges, he had the greatest confidence in authorising Serjeant Howley to take the circuit in his place,

The Earl of DONOUGHMORE had sat by the side of Serjeant Howley when that learned gentleman acted as Chairman of Quarter Sessions for the county of Tipperary, and had been witness to the care, judgment, and efficiency with which he had discharged that duty. He believed the magistrates of the county of Tipperary would join him in the expression of gratitude to Serjeant Howley for the manner in which he had brought the district from a state of crime and bloodshed to a state of comparative quiet and freedom from outrage. He believed Serjeant Howley had had no opportunity of making any explanation of this case, but he was convinced the documents would prove his conduct was undeserving of censure.

The LORD CHANCELLOR explained that he had not communicated direct with Serjeant Howley. He had communicated with the Secretary for Ireland, the Secretary for Ireland communicated with the Attorney General for Ireland, and that Gentleman with the learned Serjeant.

The Earl of CLANCARTY begged to remind his noble Friend that the Crown counsel had the depositions and witnesses before them before they went up to the grand jury; and if the evidence did not seem sufficient to sustain the charge, it ought not to be sent up to the grand jury. He did not desire to press the matter further, after what had been said by the noble and learned Lord on the woolsack.

Lord MONTEAGLE pressed the noble Earl to withdraw his Motion for the papers, as its adoption might lead out of doors to a wrong impression.

The Earl of WICKLOW made the same suggestion, observing that the noble Earl had only given notice of it *pro formâ*, to afford an opportunity for discussion.

The Earl of CLANCARTY said, this was certainly so; and as the papers would give no information beyond the facts he had stated, and which it was admitted were correct, he should withdraw the Motion.

Motion (by leave of House) *withdrawn.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 28, 1854.

Minutes.] Public Bill.—2° Judgment Execution, &c.

COMMUNICATION BETWEEN LONDON AND DUBLIN.

Mr. H. HERBERT said, he was happy to be able to preface his observations with an announcement which he was sure would be exceedingly gratifying to the House, namely, that he should occupy its attention but for a very short time, though, if he were to extend the length of his remarks proportionately to the importance of his subject, he might not be able to communicate the same pleasing intelligence. But when the House saw a right hon. Gentleman, who enjoyed the highest respect and esteem of his fellow-citizens—not because he had mixed himself up with the excitements of political turmoil, but because of the able and energetic manner in which he had always endeavoured to promote every measure calculated to advance the prosperity of his country—when they saw him presenting himself before them with a petition in favour of his Motion—he believed they would not be disinclined to attach a due importance to it. As the House would perceive, his Motion only related to a portion of the recommendations contained in the Report of the Select Committee, namely, to that having reference to the water communications between the two countries. And he confined himself to that division of the subject, because, in the first place, an assurance had been given at an early period of the Session by the hon. Member for Westbury (Mr. J. Wilson) to the hon. Member for Dublin (Mr. Grogan) that certain improvements were in contemplation for the land portion of the postal communication between London and Dublin, the details of which he was not, however, then prepared to lay before the House; therefore it would be premature to touch at present on that branch of the question. But there was also this additional consideration to prevent his doing so, namely, the comparative ease with which mere railway arrangements could be made so that at any moment the recommendations of the Committee in this respect could be adopted. The case was different, however, with regard to the employment of steamers, for there a considerable period must elapse before alterations could be effected. He had, however, an additional inducement to move in the matter in consequence of the statement of the right hon. Baronet the First Lord of the Admiralty, who informed him, in reply to a question, that it was not the intention of the Government to carry out the recommendations of the Committee—and the statement was the more unsatisfactory in consequence of the right hon. Gentleman being seemingly under the impression that the Committee had recommended only the employment of steamers capable of a given rate of speed. Now no such suggestion had ever emanated from the Committee. They simply recommended, that as the means of communication had for several years been deteriorating, an improvement should be made, leaving to the Government to determine the nature and the extent of that improvement. He had himself received a letter last year from Sir

Cusack Roney, than whom no one was better acquainted with the subject in hand, in which he stated that within the last three years at least twenty-four hours had been gained in the communications between England and North America—a remark which applied equally to the West Indies and the Mediterranean, where the same result had been obtained in a proportionate degree—while in the case of the communications between England and Ireland they were going backwards. He thought that he had now stated sufficient reasons for calling the attention of the House to this subject. Ever since the Union the House had appointed Committees at different periods to report upon the subject of the communication between the two countries. The recommendations of those Committees had been generally adopted by the different Governments of the country, with the exception of the recommendation of the Committee of last year, which appeared to have been treated with contempt by the present Government. There was in the library of the House no less than twenty-eight Reports upon this subject. During the last half century it had been laid down as the fixed plan of the Government to consider the convenience of travellers, when making arrangements for postal communications. The late Sir Robert Peel, in 1844, had approved of a grant of public money for the harbour at Holyhead, and in reference to his arrangements for an improved postal communication betwen the two countries, he said that it was impossible to underrate the advantages of a more speedy means of transit; and that if the expenditure of the public money could secure that advantage, he, for one, would not hesitate upon the matter. In the year 1848, being the last year in which there were full and complete returns made of the mail and packet service between the two countries, the total expenditure of the kingdom for the packet service was 140,000*l.* In 1850, he was sorry to say, that

> "A change came o'er the spirit of their dream,"

for the expenditure was cut down from 140,000*l.* to 25,000*l.*, a sum totally inadequate to secure anything like effective speed in the transmission of the mails, or anything like respectable accommodation for the passengers. In a debate that took place some years ago in that House, his namesake (the right hon. Gentleman who now filled the office of Secretary at War) had complained of the utter inadequacy of the sum that was voted for those postal communications. The hon. Gentleman the present Secretary of the Admiralty took a similar view of the subject. The Committee of last year stated that, in consequence of the changes made in our postal arrangements, there was a considerable diminution in the speed of the mail-packets, and that the accommodation on board for passengers was extremely defective; for it was proved that even ladies were frequently obliged to lie upon the floor in such numbers as to render it utterly impossible for any person to move about the place. It was also stated that the boats were insufficient for the number of passengers. The Committee was composed of some of the most able and distinguished men in the country. They recommended, in general terms, the adoption of immediate measures to accelerate the mail communication between London and Holyhead, and to provide a class of steam-vessels with adequate accommodation for passengers, and of greater power, in order to secure increasêd speed. The Government allotted 270,000*l.* a year for the mail service between England and the West Indies, yet gave only 25,000*l.* for the avowedly not less important communication betweed the capitals of the two portions of the United Kingdom. He trusted the House would support the Committee by at least restoring to this most essential service the sum which had been allotted to it in 1848.

Mr. VANCE seconded the Motion. He said, that there never was a Committee that had assembled together with a more stern determination to do their duty than the Committee that had sat last year. Amongst the Members were two Lords of the Treasury, the Secretary of the Admiralty in the late Administration, one of the late Secretaries of the Treasury, and one of the late Lords of the Admiralty. He believed that those Members were unanimous upon the more important points of the Report. When he (Mr. Vance) asked the Secretary of the Treasury last year how far it was likely that the recommendations of the Committee would be acted upon, especially in respect to an additional morning mail, he was told by that hon. Gentleman that, so far from the Government being disposed to acquiesce in this recommendation, they were determined to reduce the number of mails that then existed. He was quite sure that after the statement made by his hon. Friend the Member for Kerry, every hon. Member must admit that the suggestions made were but reasonable and just.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions, that immediate measures should be taken to give effect to the recommendation contained in the Report of the Select Committee of this House, appointed in the last Session to examine and report upon the present state of Communication between London and Dublin; namely, 'that a class of Steamers be provided with adequate accommodation for passengers, and with greater capabilities as regards speed than those at present employed.'"

THE CHANCELLOR OF THE EXCHEQUER said, he felt it his duty on the part of the Government to oppose the Motion of the hon. Member for Kerry. The first point was extrinsic to the main issue—namely, the fact that a change had taken place within the last three or four years in the mode of conducting the packet service to Ireland, attended with a great diminution of public expenditure, and likewise with a diminution of the comfort of the passengers between Holyhead and Dublin. The case of the mail-packet service between this country and Ireland had been referred to, as though it had been a special and peculiar case, and some hon. Members could see in it nothing but a fixed and rooted determination of that House, while, on the one hand, it seized hold of every pretext for inflicting burdens upon Ireland, to avail itself of every wretched and shallow plea for withdrawing from the inhabitants of that country accommodation and advantages. ["Hear, hear!"] That was the view of the two hon. Gentlemen connected with Ireland who now cheered this statement of the case. But at the same time it ought to be known to the House at large that, whether the measure of substituting mail-packet service by contract for Government performance of this service were wise or unwise, it was not a peculiar measure applied to Ireland exclusively, nor did it grow out of the simple discretion of a particular department of the Government. The measure was one which had been adopted upon a recommendation of a Committee of that House, which had come to the conclusion that, on account of the enormous expenditure to which the public were put in connection not only with respect to these packets, but with others carrying on the postal service of the country, it was time the principle of contract service should be substituted for the performance of this service by the Government. That principle had been applied first at one point and then at another, until the only case now remaining where Government carried on the service was the case of the Dover packets, and there the substitution of the contract system for that of the Government was to take place on the 1st of April. This was not, therefore, an exceptional principle, dictated by those cruel and rapacious motives which had always governed this House with regard to Ireland; but it was a general principle, adopted upon general grounds and generally made, and, as he had stated, the last case in which the contrary practice prevailed was to be assimilated to the others on the 1st of April. With regard to the special merits of this Motion, there seemed to be some peculiarity connected with it. This was not a question about the mode in which a certain Government service was performed. Don't let hon. Gentlemen suppose that this was analogous to the question frequently raised with regard to the transmission of mails by inefficient vessels, and of the imperfect performance of the duties of the Post Office. That might be an element in the case, but it was only an element; it was not the whole case, nor was it the principal part of the case. The principal part of the case was the comfort, accommodation, and luxury of passengers; and the demand made by his hon. Friend (Mr. H. Herbert)—which, however, he did not wish to characterise harshly—was a demand for the increase of that comfort, accommodation, and luxury, at a heavy expense to the public purse. The sound principle was, that with the provision of this passenger accommodation the Government, as a general rule, should have nothing whatever to do. Before, however, he went to that part of the subject, he must refer to what had been said about the unanimity of the Committee which had sat upon this matter. It had been spoken of as an impartial and discriminating Committee—as a Committee not, perhaps, unanimous on every point connected with the subject of their investigation, but certainly unanimous upon the main principle. Well, he had before him the blue book in which the proceedings of the Committee were recorded, and he found, on reference to it, that, so far from being unanimous, there was a division on the main Resolution, which was taken as a division on the principle of the whole Report, stating that "the best and speediest means of communication between the two countries has been regarded as a paramount duty of Government." That division was carried by four to three—by four votes, one of which was given by the hon. Member for Dublin, another by the Member for the University of Dublin, the third by the Chairman, who gave a casting vote, and the fourth by one single English Member, while the other three English Members who composed the Committee opposed the Motion. This, then, was far from being a unanimous Committee; but if it were, judging of it by the same rule, he supposed if the hon. Chairman of the Committee had given his vote the other way there would have been an equally unanimous vote against the Resolution. But this was not alone a question of passenger communication; he did not hesitate to say it was a question regarding only the upper class of passengers. At present the lower class of passengers between the two countries—the mass of the Irish people, on whose behalf Parliament certainly ought to feel the first anxiety and interest—did not frequent the Holyhead packets at all. They went by the cheapest route, which was necessarily the longest—the route *viâ* Liverpool—and, therefore, the mass of Irish passengers would not be benefited by the improvement of the communication between Holyhead and Dublin. The Report of the Committee stated as follows:—

> "The Legislative Union of the two countries, which renders the attendance of Irish Peers and Members of Parliament necessary; the mass of business connected with private Bills, involving the attendance of professional men in London, and witnesses, at great cost and inconvenience; the appellate jurisdiction of the House of Lords over the Irish courts of law; the transfer of the Board of Customs, Excise, and other public offices from Dublin to London; all contribute to show the importance of an expeditious and convenient mode of communication between the two countries, and afford strong claims for the favourable consideration of Parliament."

These were certainly important considerations, but they were all questions about passengers, and about those passengers who could perfectly well afford to pay for whatever accommodation they required. In this case the conduct of the Committee was rather remarkable. The vulgar and sublunary consideration of the cost at which the improvement they proposed might be carried out did not appear to enter into the Report of the Committee. He had looked three or four times over the Report, and believed he was correct in stating that there was no reference or allusion whatever in it to the question of cost. This was certainly not because the Committee thought it an unimportant consideration, for the hon. Member for South Cheshire (Mr. Tollemache) proposed this Resolution:—

> "That the additional subsidy required would be small compared to the great national object to be effected, namely, a rapid and efficient postal communication between England and Ireland."

The Committee, however, would not adopt this Resolution. They saw perfectly plainly that the expense of these twenty-five mile an hour steamers, the employment of which the Committe recommended—

MR. H. HERBERT said, he must deny that the Committee had made such a recommendation.

THE CHANCELLOR OF THE EXCHEQUER: Well, the Report said:—

> "Your Committee have had a plan and estimate laid before them for a class of vessels affording accommodation far superior to anything that has hitherto been attempted, and capable of running at a speed of twenty-five statute miles an hour."

The recommendations were general in their terms undoubtedly, but they referred to the establishment of such steamers. However, the Committee, at all events, declined to enter upon the question of the expense which would be necessary to carry out their object, which was a tolerably good proof that they could say nothing about the expense which they thought would be satisfactory to the House. In their natural and laudable desire to improve the communication between the two countries the Committee had omitted the question of expense, for the very good reason, as it seemed to him, that it would not very well bear handling. This, however, was a question which the Board of Admiralty had not failed to consider. The cost of the reduction in the time taken up in the journey between London and Dublin, from an average of fourteen hours and a half to an average of eleven hours, could not of course be ascertained without knowing the probable expense consequent upon the necessary acceleration of railway trains. To effect such a reduction in the time of the journey as he had alluded to it would be requisite that two hours and a quarter should be gained upon the railway part of the passage, and he did not suppose these trains could be run at a speed of some forty miles an hour, including stoppages, at an extra expense of less than 30,000*l.* or 40,000*l.* a year. The main expenditure, however, would be that connected with the packets. Three steamers would be required for the purpose of establishing a certain and regular communication, and it must be calculated that the cost in the first instance would be 300,000*l*. But that would be only a small part of the entire cost. The annual cost of such a service, after allowing for wear and tear and interest upon the outlay, would not be less than 40,000*l*. per vessel, or 120,000*l*. a year for the sea part of the communication, subject, however, to a diminution—of which he was not able to state the precise amount, but it would not be a very great diminution—on account of receipts from passengers. The House, then, must please to understand that the cost, as it was estimated by the responsible Government department—which was not apt to overrate the cost on such occasions—would be 120,000*l*. a year for the purpose of effecting this improvement in the daily communication. Putting these things together—considering, first, that this was a matter outside the business of the Government, and, in the second place, that the passengers for whose especial accommodation Parliament was called on to provide, were persons who were best able to provide for themselves—he did not think the House would be of opinion that this improvement in the communication between the two countries was worth the large outlay it would entail. He did not mean to say this was a question of small importance. On the contrary, he wished to make what might, perhaps, be deemed a questionable admission, and to allow that, so important was the communication between Holyhead and Dublin, that even the consideration of passenger accommodation might perhaps not, on a proper occasion and at a fitting time, be placed beyond the view and consideration of that House. He must be understood, then, not to lay down the doctrine that under no circumstances ought the passenger accommodation between Holyhead and Dublin to be considered by Parliament; but this he did hold, that 120,000*l*. or 150,000*l*. a year, or any sum at all approaching this for any such purpose, ought not to be entertained at a moment when the country was called upon to incur an enormous expenditure, not for purpose of comfort and luxury, but for the purpose of defending its honour, and for purposes of absolute duty and necessity. [Col. DUNNE: Hear, hear.] It was very well for the hon. and gallant Member to scoff at these sentiments, but he (the Chancellor of the Exchequer) would tell him that his scoffing was not in accordance with the feelings of the House. He thought it would be departing from those rules of prudence which usually governed the conduct of that House if they were to incur an outlay of such a nature at a period when, by a recent vote of the House, the burdens of the country had been heavily augmented, and when it might be the duty of the Government, even within a few weeks from the moment at which he was speaking, to come forward and propose a further heavy augmentation of those burdens. Under these circumstances, looking to the probable financial embarrassment of the country, and to the facts which he had laid before them, he hoped the House would have no hesitation in giving a negative to the present proposition.

MR. FRENCH said, that the case presented to the House by the hon. Member for Kerry (Mr. H. Herbert) was a peculiar one, and that it was the Government itself that had made it an exceptional one. A Committee of that House had recommended that the Government vessels should not continue to discharge the duties of carrying Her Majesty's mails between this country and Ireland, but that the service should be performed by contract. An advertisement was then put forth by the Admiralty, in which it was stated that they were prepared to receive tenders for the carriage of the mails from Holyhead to Dublin, and a tender was sent in by a private company, who offered to discharge the duty for 55,000*l*. a year. Negotiations succeeded, and ultimately the contract was completed for 45,000*l*. Now, in this case the Admiralty did not adhere to the terms of its own advertisement, inasmuch as they had reopened the matter for the purpose of forcing the company to perform the service at what every person must admit would subject them to a loss. All the hon. Member for Kerry asked by his Motion was, that a sufficient sum should be given to enable the work to be efficiently and properly done. He did not call upon the Government either to build vessels or to discharge the duties themselves; but he could tell the Chancellor of the Exchequer that his right hon. Colleague the First Lord of the Admiralty had, at that moment, in his possession offers from private companies to undertake the duty at a fair and reasonable remuneration, as well as to build the necessary vessels at their own expense. There could be no reason why a fair sum of money—though not the extravagant amount named by the right hon. Gentleman—should not be granted. One reason why the mail-packet service had hitherto been so expensive was, that the Admiralty had required that all vessels employed in it should be built so as to comply with certain conditions which that Board laid down. Of ninety-eight ships surveyed ninety-seven were reported to have fulfilled all these conditions, and yet not one of them was at this moment available for public service. In his opinion no answer had been given to the statement of the hon. Member for Kerry; and he really thought, if the Government had determined to regard the Report of their own Committee as so much waste paper, that they ought never to have allowed that Committee to be appointed.

Mr. COWPER said, he must remind the hon. Member for Roscommon (Mr. French) that the Committee, in whose proceedings he himself had taken an active part, had distinctly reported—

> "That the conduct pursued by the Lords of the Admiralty in the transactions relating to the contract concluded with the City of Dublin Steam-packet Company was, in all respects, unexceptionable."

The hon. Member for Kerry (Mr. H. Herbert) contended that the mail service was less effectively performed now than when it was in the hands of the Government, and that the vessels which were now employed were worse than they were then. But the hon. Member had omitted to state that two of the vessels engaged in the service were the identical vessels that were on the station at the time he so highly approved of the manner in which the service was discharged: he alluded to the *Llewellyn* and the *Columba*. The Government had never yet taken upon itself to provide adequate accommodation, and to make arrangements for the comfort of passengers; and if it were to do so in this instance, it would be laying down a new principle, and there was no telling how far it might lead them. Of one thing, however, they might rest assured: it would cause a great increase of expenditure, for other parts of the empire would make similar demands, and there would be no reason why they should not be complied with in their case as well as in that of Ireland.

Lord NAAS said, that if the object of the present proposal was to restore the system of the mails being carried in Government vessels, instead of being conveyed, as at present, by contract, he should not have supported it; nor would it have received his sanction if its object had been to ask the House to increase the accommodation and luxury of first-class passengers. These were, however, not by any means the objects of his hon. Friend. The inquiries of the Committee which had sat to examine into this subject had been devoted principally to the consideration of methods for the acceleration and proper conveyance of the mails, and every witness who was called was examined strictly upon that point. The examination of witnesses with regard to the improvement of the vessels employed was conducted with the view of showing that the mails could be conveyed more speedily than they were at present. It appeared to him that the expenditure necessary to effect the requisite improvement need not be anything like so great as the right hon. Gentleman the Chancellor of the Exchequer appeared to apprehend. If hon. Members would look to the evidence taken before the Committee, they would see that persons connected with the Dublin Steam Packet Company stated that they could perform the service in shorter time, and with greatly increased punctuality, for a sum, not of 120,000*l.*, as the right hon. Gentleman stated, but for something like 40,000*l.* or 50,000*l.* a year in addition to the present grant. They could not, perhaps, make the transit so speedy for that sum as they could for a larger amount, but they could ensure punctuality, which certainly was not ensured at present. Some suggestions of great value were also made by the Committee as regarded the land journey; but it appeared that the Government were determined to put aside the question altogether, from a false impression that an enormous sum of money would be required. An alteration in the despatch of the mails would be productive of great benefit, and he thought that the subject had been met in a very unfair way, and argued upon entirely false grounds, by the Government. He believed that, unless some steps were taken in this matter, things would get worse and worse, until the communication would become as imperfect as it was ten or twelve years ago. The mail service to every part of the world had been lately improved, and he considered it to be a great hardship upon the people of Ireland, that they should not enjoy the advantages which the advancement of science afforded, the benefits of which were experienced by all others of Her Majesty's subjects.

MR. W. WILLIAMS said, he wished to draw attention to the fact that the South Wales Railway would, in a few months, be completed to Milford Haven, and that three first-class steamers were to be provided by private enterprise, to ply between that port and Waterford, without any aid from the Government. Looking at the importance of the towns on the west and south coast of Ireland, he must contend that, inasmuch as this traffic was to be carried on without any charge upon the public revenue, there was no ground for the complaint now made relative to the service between Holyhead and Dublin.

MR. R. FOX said, that it was not fair to say that the boats now employed between Holyhead and Dublin were the same as were employed before 1850; and he would ask whether it was not the case that the Admiralty, knowing that the sum paid for the carriage of the mails was not remunerative to the company who had taken the contract, had permitted the company to reduce the speed, and thus to save expense?

COLONEL DUNNE said, the right hon. Gentleman (the Chancellor of the Exchequer) had charged him with having scoffed at the dangers and difficulties in which the country was placed. He (Colonel Dunne) begged to say that the right hon. Gentleman acted unfairly in accusing any hon. Member on that (the Opposition) side of the House of having done aught of the sort. He believed the right hon. Gentleman had received a liberal support on the part of the Opposition, when he asked the House to furnish him with the resources which were required to enable the Government to carry on the war; but it was not less the right of hon. Members to mark by a cheer their estimate of the arguments they did not approve of. The only argument of the Chancellor of the Exchequer against the Motion before the House, was founded upon the expense it would involve. He (Colonel Dunne) submitted that the right hon. Gentleman would have better availed himself of that argument when he embarked on the absurd system of effecting a conversion of stocks, which had cost the country nearly 1,000,000*l.* of money. The right hon. Gentleman would be much more usefully employed in turning his attention to the improvement of the communication between England and Ireland, than in perpetrating financial blunders for which the public must afterwards be called on to pay. He would recommend the right hon. Gentleman in future to take his financial measures with more caution. For whilst the Government were spending 800,000*l.* on a pier at Holyhead, it appeared they were unable to provide for the efficient performance of the mail service between the two countries.

MR. GEORGE said, a misapprehension was likely to be created in the minds of the House as well as the public by the statement that had fallen from hon. Members on both sides of the House, to the effect that the company who were now in possession of the contract had been guilty of irregularities in the performance of it—in short, that they had not performed the duty they had undertaken to fulfil. The Report upon the table of the House directly contradicted any such statement as that. The Government gave the contract to the City of Dublin Steam Packet Company with stipulation that the passage between the two countries should be effected in four hours and forty minutes, and to the letter, and without any irregularity whatever, had that passage for a great many months been performed.

MR. TOLLEMACHE said, it was proved before the Committee of which he had had the honour to be a Member, that, under existing arrangements, the postal service between this country and Ireland was very badly conducted; but the Committee never thought for one moment that it would be necessary to incur the absurd expenditure mentioned by the Chancellor of the Exchequer. It was proved satisfactorily before them, that for 50,000*l.* a year vessels of a superior kind might be placed on the station, and that that amount of money would not be altogether a loss to the country, inasmuch as a very considerable sum would be received in postage, and in addition to this the Government would have the advantage of being able in a case of emergency to send troops to Ireland with the utmost possible rapidity. He (Mr. Tollemache) had no connection either with Ireland or the Steam Packet Company, and, whatever might be the decision of the House on the present Motion, he should still adhere to the opinion that the Report of the Committee was a just and proper one.

Question put.

The House *divided:*—Ayes 152; Noes 208: Majority 56.

CONVENTUAL AND MONASTIC INSTITUTIONS.

Motion made, and Question proposed, "That the following Members be Members of the Select Committee on Conventual and Monastic Institutions."

MR. BOWYER said, he rose to move that the order for the appointment of the Committee be discharged. An important change in the aspect of foreign affairs had occurred since the Motion for this Committee was brought forward. At that time there was still a hope that, by the interposition of Divine Providence, or by the skill of diplomatists, war would have been averted. Her Majesty's Message of yesterday had, however, put an end to these hopes; and in that Gracious Message Her Majesty said that she relied upon the loyalty and the bravery of Her subjects to maintain the rights of Her allies and the dignity of this country. Now he was sure that in no part of the empire would a more hearty or devoted response be made to the call of the Sovereign than would be the case in Ireland. A great portion of the Army came from Ireland, and that country was not excelled either in its gallantry or in its attachment to the Crown by any other part of Her Majesty's dominions. He would ask the House, under these circumstances, whether a great degree of consideration was not due to the Roman Catholics of Ireland, and to the feelings of those gallant men who were about to go to shed their blood before the enemy, and to fight the battle of this country? He was sure that those men would feel it a comfort on the field of battle, and even in the agonies of death, when they reflected that they left their families to the care of those conventual establishments which were assailed by the Motion before the House. When the noble Lord the Member for the City of London declared his intention of proceeding with the new Reform Bill, the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) said that at the commencement of a war, of which no one could see the termination, it would be unwise to introduce topics that were calculated to make party feelings run high or to disturb peace at home, when we ought to cultivate unanimity at home, in order to secure success in war abroad. Now the very reasons so eloquently urged by the right hon. Gentleman would equally apply to the present case. Was it wise, at a crisis like the present, for Parliament to do anything that might excite disunion or bitter feelings in the minds of any portion of Her Majesty's subjects? It was said that this measure would protect and benefit rather than injure Catholics, and that it was proposed with feelings of kindness towards them, and with no sectarian motive or desire to provoke religious animosity. Now he gave many of the advocates of the measure credit for sincerity; but he begged to tell them that the Catholics considered the proposition, so far from being a boon, to be a bitter insult and a heavy ignominy. The hon. and learned Member for Hertford (Mr. T. Chambers), in moving for this Committee, said that he should be told that he imputed neglect and cruelty to those who were bound to protect their daughters, sisters, and other female relations; but he could not help that, because the imputation was true. Well, he (Mr. Bowyer) asked whether a measure brought forward in a spirit like that was not calculated to excite exasperated feelings among the Catholics of the kingdom? If this measure was intended for the benefit of the Catholics, then, he asked, where were the petitions for it from that body? Could it be believed that nearly 1,000,000 of Catholics in England, and 6,000,000 or 7,000,000 more in Ireland, were so completely under the dominion of their clergy (for the imputation was cast upon the clergy that they enslaved the laity) that they would not have heart enough to ask for protection of their relatives if they felt that they required it. Surely the Catholics ought to be the judges of whether the measure would benefit them; but their view of it was, that it was an insult and an injury. Meetings of Catholics had been held to resist this Bill, and a meeting was lately held in this city, which was attended by representatives of almost every ancient Catholic family in the kingdom, the members of which had been connected for centuries with these convents; they all considered that this Bill was not only unjustifiable, but that it was a reflection on the honour and the chivalry of their families; and it excited their utmost indignation. He might be told that there had not been many of these meetings; but he answered that they had only begun at present, and that if this inquiry was proceeded with, the country would soon be stirred from one end of it to the other in hostility to the measure, and feelings of dislike, and perhaps of hatred, excited amongst Catholics against their fellow-subjects, with whom they were now living in peace and harmony, at a time when the country eminently required union and good-will to prevail amongst all classes of its population. He put it, therefore, to Protestant Members, whether the present was not a peculiarly inopportune moment for pressing forward a measure of this nature? He asked them, therefore, to vote against this Committee on the special grounds that he had stated; and he was convinced that their justice, generosity, and patriotism would not allow them to permit a mere technical rule of the House to stand in the way of what was demanded by the interests of the public service, the maintenance of its honour, and the success of its arms. He now wished to make a few remarks on the general question, and he would follow the order which the hon. and learned Member for Hertford had pursued. He would first speak of monastic orders of men, and then of convents of females. The hon. and learned Gentleman explained very fully to the House the penal clauses of the Emancipation Act to which those communities were liable. Those penal clauses were of a very serious description, and went as high as the next punishment to death, namely, transportation for life. Now, where could be the least danger to the public welfare arising from communities that existed under the sufferance of the law, and which, if there was a fear of their acquiring too much power, could be proceeded against at any moment, under a very stringent law? No Government, whether Whig, Tory, or Coalition, had ever enforced these penalties in any single case. Even the right hon. Gentleman (Mr. Walpole), who seconded the hon. Member for Hertford's Motion, when he was Home Secretary, did not direct the Attorney General to prosecute these religious houses, which he represented as dangerous to the social and political welfare of the country. And the reason was obvious. The best thing that could be done with a bad law was to repeal it, and the very worst was to enforce it; and the right hon. Gentleman, with the wisdom of his predecessors and successors, thought it best not to enforce these cruel penalties against peaceful religious men, engaged either in education or in harmless practices of devotion for the welfare of their own souls. What, then, was there peculiar in the present state of things that had suddenly rendered monastic institutions so dangerous that they must be made the subject of solemn Parliamentary inquiry? But he passed on to a matter of constitutional law, and asked what would be the position of these venerable men if they were called before this Committee? They were said to be under most severe penalties, and the hon. and learned Member for Hertford represented them as being open violators of the law. Now, in "Comyn's Digest," he (Mr. Bowyer) found it laid down that the Crown could not grant a Commission for inquiring without a power to hear and examine. Was the House of Commons, then, to institute by a Committee an inquiry which, if it took place under the Great Seal, would be illegal, and would expose every one of the Commissioners to an action? He was quite sure that if the House did appoint the Committee, the moment this monstrosity came to light, and it was seen that those rules of constitutional law regarding the rights and lives of Her Majesty's subjects were to be set at nought by this inquiry, the feeling of the country would become such as to render it impossible to proceed. He now came to the subject of convents. The first point with regard to them was, that they were private houses—private homes, homes to which ladies of the highest rank betook themselves for seclusion and devotion. He could inform the House that in one of them there was a princess, a member of an Imperial House; and there were many foreign ladies of the highest rank, besides the daughters and sisters of our own nobility and gentry. If, then, a man's house was his castle in this country, the homes of these ladies of high education and social position ought to be held peculiarly sacred; and he said that any inquiry which should drag them from their houses, and summon them before Commissioners, or a Committee of that House, to be examined, and have their evidence taken and published through the newspapers, was a thing so utterly repugnant to the feelings of Englishmen, that he was sure the country would revolt at it, and regret that the House did not take the obvious course for saving it from disgrace by giving up the inquiry. Why, the case of lunatic asylums were alluded to in the discussion; but they were places of compulsory confinement; and factories and mines were establishments of a commercial and public nature; and yet the Legislature did not inquire into them until great abuses and cruelty had been shown to demand such a step. Nothing of this sort had been made out as regarded convents. All the ingenuity of the hon. and learned Member for Hertford, and those who had assisted him in getting up evidence against convents, had failed to make out any case whatever for the smallest legal step, much less for a solemn Parliamentary inquest, professedly founded upon charges of heavy delinquencies against a large body of Her Majesty's subjects. They had not produced evidence that would be sufficient to find a little boy guilty before a magistrate of picking a pocket. In fact, all that had been alleged to prove the necessity for inquiry amounted to miserable gossip. It was absurd to suppose that females were forcibly detained in convents—any hon. Gentleman who visited such an establishment would find that the nuns had free egress and ingress at any moment they pleased: and it was obvious that it could not be the interest of the other inmates to retain a female against her will; for a discontented nun must make all those about her miserable, and disturb their peace as well as her own. And, accordingly, ladies were only admitted, after three ballots, to be professed nuns, and to take the solemn vows. The next point on which he would touch was the increase of conventual establishments. The hon. and learned Gentleman adduced statistics on that subject, and mainly based his Motion upon them. Now he (Mr. Bowyer) would give the House some statistics on this matter which had been collected by Dr. Ullathorne, one of the bishops of the Roman Catholic Church. At the time of the French Revolution there were twenty English inclosed convents and five French, but of these seven English convents and three French existed no more; so that of the twenty-five which existed at the time of the French Revolution, ten had ceased to exist. The number of inclosed convents now in existence is fifteen, and there have been three new houses established, making the total number eighteen, and out of those eighteen, eleven are boarding-schools, and five have poor schools, where the poor are educated gratuitously. So it appeared that the inclosed convents are fewer in number now than at the time of the French Revolution; and he would next come to the uninclosed convents. Their inmates devoted their time to the education of the poor and to works of charity, and he believed that, with regard to them, even the hon. and learned Member for Hertford disclaimed any wish to do anything against them. The reason why uninclosed convents had increased was, because the want of them had increased. They knew of the want of them in their densely-populated towns, and how utterly impossible it was, without their assistance, to deal with the evils arising there, so as to bring an effectual remedy to bear upon them. That had been done to a great extent by those ladies who had devoted their lives to the task, and had effected what could not be done by any other means. In Drogheda 1,300 girls were educated at the convent for nothing, and in Dundalk a very considerable number also; and the strongest evidence had been given to show the benefits arising from these houses. He would refer to the Report of the Inspector of Schools (Mr. Marshall), a public officer of great respectability, and who acted under the responsibility to which a public officer is liable. That individual was responsible to Her Majesty's Privy Council, to whom he made his Report; that Report had, he (Mr. Bowyer) believed, obtained the approbation of his superiors, and in it it was stated that the advantages arising from the convent schools were very great. He need only mention one instance to show the devotedness of these persons. In London there is a society of religious ladies, who make it their duty to take care of old and bedridden persons; they are ladies of education and station; they live entirely with these poor old persons; they go from house to house to get scraps of dinner; with these scraps they maintain these poor pensioners, and live themselves upon what is left after these persons have done. He wanted to know if this sort of devotedness was not entitled to the sympathy of the House, and he thought it would be very hard that those ladies should be taken away from their charitable labours, by which they were doing so much good, and brought before a Committee of the House of Commons, to have, perhaps, rude questions asked of them by persons not acquainted with their high character, and who might take some merit with their constituents by showing some degree of severity towards these persons. He thought these ladies ought to be protected by the law, and the House should discountenance any attempt that would interfere with their useful labours. The establishment of the Good Shepherd at Hammersmith might serve as a model for the establishments which were undertaken by members of the Church of

England, and any person who visited it must leave the house with the favourable impression which the hon. Member for Cambridge so generously and candidly stated to the House had been produced on his mind. With regard to the increase of the communities of men he begged to read a passage from a statement made by Bishop Ullathorne, from which it appeared that any increase that might have taken place was attributable to the increased demand made upon their services, arising from the emigration of the Irish poor. Some persons were in the habit of talking of "lazy monks;" but all those persons were engaged in the discharge of active duties which were useful to the community. But suppose some of them did not take so active a part, he had yet to learn that it was not lawful for men to retire to devout solitude, or that the liberty which was allowed in this country to the people of all classes was to be limited in this particular instance. As to the property possessed by them, he believed that, taking all the monastic bodies together, there was not more than a couple of thousand acres in the whole kingdom in the hands of them all. If it were found that they were becoming great territorial lords, as of old, hon. Gentlemen might be jealous of the power of the Church, and say, so much land being in their hands, so much power is in their hands. He did not think he could, even then, agree with them, except there was an extreme case, because he believed that the monastic bodies had done great good in their time, and there was a great deal of good to be done still by the monastic orders. But the very notion of any such danger now was absurd. The House would do wisely by at least putting off this inquiry, and discharging this Order. They might broach the subject again at a future time, but at present it was inexpedient, inopportune, and dangerous. He implored the House to consider carefully what they were doing, and not to light the torch of religious animosity in the country at a time when a serious war was pending over them, and when they required the utmost unanimity and peace at home, in order that they might deal with the serious predicament in which they were placed abroad.

Mr. ESMONDE, in seconding the Motion, said, every Roman Catholic took a deep and painful interest in this measure. He would beg to remind the House that the hon. and learned Gentleman (Mr. T. Chambers) who originally moved for this Committee, commenced an elaborate speech by declaring that he had no facts to offer in support of a Motion for inquiry, asserting that the absence of facts proved the necessity for inquiry. This was a strange argument, but afterwards the hon. Gentleman mentioned several statements as facts, which were subsequently disproved. The hon. Gentleman had asserted that Roman Catholics generally were not against this Committee. But as far as himself and his constituents were concerned, he could say that if all other measures of a similar character which had been rejected were put in one scale, and this Bill into the other, he would much prefer to have those measures rather than this. At an influential meeting of Roman Catholics the measure had been denounced, and at other meetings the same line had been adopted. This was an answer to the assertion of the hon. Member, that Roman Catholics generally were not unfavourable to the measure. On all grounds, social, religious, and constitutional, the measure was objectionable. It had been said that when a lady entered a convent she had no friends—but because she entered a convent, did her friends and relatives cease to be her protectors? He appealed to the good taste of the people of England not to consent to such a measure. The other day they opened a list for the relief of the wives and children of those gallant men who were about to embark in a struggle for the honour of this country. He would ask the House and the people of England to consider that, among those brave men, there might be many who left behind them sisters and other dear relatives in religious houses in this kingdom; and would the House or the country permit them to be subject to the petty taunts and inquiries of some low fanatic, while their brothers were dying for the honour of this country on the banks of the Danube?

Amendment proposed—

"To leave out from the words 'That the' to the end of the Question, in order to add the words 'Order for the appointment of the Committee be discharged,'—instead thereof.'"

Question proposed, "That the words proposed to be left out stand part of the Question."

Lord LOVAINE said, they had heard a great deal from the hon. and learned Gentleman who had moved the Amendmeet as to this being a constitutional question. This, however, was the first time since he had been in that House, that he had heard anybody question the right of Parliament to inquire into these institutions, or into the condition of any of Her Majesty's subjects. The hon. and learned Gentleman who raised this doubt also said it would be dangerous to meddle with anything relating to Roman Catholics and their conventual rights. Now the use of the term danger, and the assertion that some sort of danger was likely to arise, could only imply that the Roman Catholics had less of loyalty than any other class of Her Majesty's subjects. For his own part he did not believe that such was the fact, but certainly all who heard the hon. and learned Gentleman would say that the only natural construction to put on the term was that which he had stated. In voting for this Motion he desired to say he had no wish to give offence to any hon. Member, but he felt it to be his duty to vote on this question according to the dictates of his conscience and the expressed desire of his constituents. The question was not only a Roman Catholic question, it was a constitutional question and a Protestant question. This he would undertake to make clear. The Constitution of England laid down the law that no person should be confined in any place except under the sanction of the law, or under such other provisions as the law laid down. Now there had been a case laid before the House relative to a lady, an inmate of a convent. That lady was pronounced to be a lunatic; her friends wished to have charge of her, whereas the superior of the convent where she resided thought it right she should be sent to a Belgian convent. Now, it might happen that the lady was not a lunatic. In such a case it appeared to him just as easy to send her to Belgium. He believed that a person who had gone into a convent against her will could have been sent abroad against her will. Suppose the case of a Protestant family who had a daughter or relative who was unfortunately induced to become a convert to the Roman Catholic faith. If the young lady went into a convent the door was shut upon her for ever. He believed not only that such cases were possible, but that they had occurred, ["No, no."] And notwithstanding the contradiction of hon. Gentlemen, he should repeat that he believed such cases had occurred, and that what he had stated was the fact. If so, what was the course to take? Why, that Roman Catholics should allow the case to be investigated. But they would not do this, and they said they refused because they had a natural objection to obtrude on the privacy of these ladies. If the inquiry of the Committee was to be conducted on the principle of prying into the private matters of conventual establishments, he should be against it; but that was quite different from the object of the Committee. The purpose was to inquire into the object and tendency of conventual establishments. What Protestants asked, was to ascertain whether those regulations under which convents were placed abroad and in this country were in conformity with the laws of England? Protestants said to Roman Catholics, regulate your convents as you please, but put us in possession of the facts and circumstances of the case. Show us that no detention against the will took place or could take place; and show us that the place to which they are sent is known to everybody. Show us, in fact, that such things as took place in convents in Italy and in Roman Catholic countries did not take place in convents here. These matters he conceived equally concerned Roman Catholics and Protestants. He did not want to pry into the private circumstances of convents, all he wanted was a fair and satisfactory inquiry.

Lord JOHN RUSSELL: Sir, if I had been the adviser of the hon. and learned Gentleman, I do not think I should have advised him to bring forward this question again, upon which the House has decided by a considerable majority. But, at the same time, I think it is well worthy the time of the House to consider whether it will persist in the appointment of this Committee. It is not, as the noble Lord (Lord Lovaine) has said, because it is a constitutional question that we ought to appoint a Committee upon vague suspicions. There ought to be some sort of case made out; and it ought to be shown that there are persons who are detained in these establishments against their will. When persons come forward and say they think that convents are bad things—that they have no doubt, if there was an investigation, some persons would be found in these houses who are prevented from going out, and that they would like to know that and to inquire into it—that does not appear to me a Parliamentary ground for inquiry. There is a good deal of vagueness and uncertainty with regard to the sort of inquiry that is to take place. The noble Lord says, he does not wish to inquire of these ladies with respect to what takes place in their private houses. Does he mean that the authority of this Committee shall not extend to persons? Because that will make a great alteration. If this House choose to appoint a Committee to send for papers and records, it would be of a totally different character. But if you appoint a Committee, and give them power to send for persons, it is no satisfaction for me to be told that the noble Lord does not wish to intrude on their privacy. I must confess I do not think that, on looking to the names of the Committee, they have been very impartially chosen. I do not expect that the Committee would refrain from any inquiry, considering the prejudices and extreme opinions of some of the Members. If there was a case made out that the liberty of the subject was infringed upon, and that there were persons who were debarred, contrary to the well-known spirit of our institutions, from leaving the houses in which they live—then, I say, you should have none of this delicacy, but should inquire thoroughly into those matters; but if that be not the case, why, then, examine persons at all? If it be the case, why should not those who wish to alter the law look into the law of Bavaria and other foreign countries on the subject, and propose such regulations as they may think fit? Let them look to the sort of protection which the laws of these foreign countries give to the inmates of convents, and propose, if they like, to give that protection, and at the same time impose rules and regulations with regard to the taking of vows. You cannot take part of the laws of those foreign countries, but must take the whole, and propose them to the House. There is no doubt that the laws of those foreign countries, if not in our library, are in other libraries, and any person can bring in a Bill founded upon those laws. There is one part of the subject that induces me to take part in this discussion, for I did not say anything upon it on a former night. It is as to that part of the inquiry that relates to monasteries, which are, according to the letter of the law, contrary to the law. The right hon. Gentleman the Member for Midhurst (Mr. Walpole) said he wishes to make an inquiry with respect to those monasteries. For my own part, I have no wish to make any such inquiry. I know that there are many laws existing upon the Statute-book which have fallen gradually into desuetude, and if there be no public evil arising, I do not see the necessity for an inquiry respecting those laws. If there be any practical grievance arising from the infraction of the law with respect to monasteries, let that be inquired into; but unless you have such practical evil existing, I own I do not see to what purpose you are to have this inquiry. I remember when my noble Friend the Marquess of Normanby was Lord Lieutenant of Ireland and I was Home Secretary, a discussion arose with respect to one of those monasteries in Ireland. I wrote a private letter to Lord Normanby, to ask him if it were fitting to make an inquiry respecting it; and his answer to me was that he believed that this monastery was the cause of a great deal of good being done. It promoted agriculture, and the people of the place were employed and improved by the lessons it gave, and he thought that no inquiry was advisable. I was quite satisfied with the answer, and no inquiry took place. The right hon. Gentleman, however, said, that if you have an inquiry you must come to some conclusion; and no doubt he is right in that respect, for to have an inquiry without coming to some conclusion would be utterly needless, and hardly befitting the functions of this House. You must come, as the right hon. Gentleman has said, to one conclusion or the other; you must either take further means to suppress all those monasteries by official machinery, and to take care that if monasteries are found to exist in any place, the officers of the law shall go and drive the persons out and prevent their occupying the monasteries, and by such means prevent their existence, or you must have a law, according to the right hon. Gentleman, replacing the existing law, and allowing those monasteries to exist. Now, is the right hon. Gentleman prepared to take either of those courses? With regard to the first of those courses—the taking effectual means and providing machinery to drive the persons out of those monasteries, and probably out of this country, would be a very harsh and violent measure, not called for by any public policy, or required by any necessity—a measure which would excite very great alarm, and, I must say, considerable indignation, amongst all those who are of the religion to which those monks and friars belong. With reference to what the noble Lord (Lord Lovaine) says, that it is a very suspicious thing that the Roman Catholics are always saying, "You must not meddle with things connected with the Roman Catholic religion," I do not, think that susceptibility on a point of this kind is confined to Roman Catholics. I will invite the noble Lord to bring in a Bill that shall affect the Toleration Act as it regards Protestant Dissenters, by depriving them of the benefit of that Act. Let him try whether the Protestant Dissenters will not feel aggrieved. He would soon find whether they would not say, "Why, you are touching our religious privileges;" and whether they would not denounce this attempt to deprive them of the freedom they at present enjoy under that law. Susceptibility is displayed, not because this is a question affecting Roman Catholics, but because it is a question affecting religion generally. When I thought that Roman Catholics were at all trenching upon our privileges—when they were trenching, as I thought, upon the prerogatives of the Crown, and interfering with the temporal rights of the Crown, I certainly, at the hazard of incurring the odium of the Roman Catholics, thought it my duty, some short time ago, to interfere. But the question really is in this case, as it is in others, whether or no what is complained of does at all affect the liberties of the country, the right of the Sovereign, or the laws of the realm, and whether, on this occasion, there is any case calling upon the House to institute an inquiry. For my part, I really do not think there is any. Well, then, let us take the other alternative which the right hon. Gentleman put. I must refer to him, because he is the principal person, indeed almost the only leading Member of this House, who has spoken in favour of appointing this Committee, and if such a Committee is appointed, I hope he will take a leading part in it; that he will, thereby, exercising his influence, prevent such a scandal as might occur from this inquiry being pushed to the extent of inquisition or persecution; and that he, at least, will make himself responsible for the right conduct of the Committee. But suppose he comes to the conclusion that these monasteries, being now tacitly connived at by the law, should be sanctioned by law, and that the prohibition that now exists in your Statute-book should be repealed, will he undertake to bring in a Bill for that purpose? If the Catholic mind is now susceptible on this subject, does he not think that the Protestant mind would become susceptible when there was a proposal for an absolute change in the law and for sanctioning and confirming the privileges of monks living in monasteries in this country? I own I cannot see that any benefit can arise from meddling with this subject at all. I cannot see what party is to gain. If I could be convinced that there were any ladies in this country who did not enjoy the benefit of that liberty which the law allows to us all, I would vote for a searching inquiry, and would apply a prompt and sufficient remedy; but I do not believe a word of these stories, with which this House and the country have lately been amused. I believe they are stories of the kind that are generally denominated "cock-and-bull stories," or, as they are now appropriately termed by the French, "*histoires du coq et de l'âne;* "*l'âne*" being the person to whom they are told. Disbelieving, then, these stories; seeing no benefit whatever that can arise from the inquiry that it is proposed to institute; and being of opinion that this House would act much more wisely in saying, "We will not meddle with this subject; we will devote our time and attention to much more important and useful work;" and thinking that such an inquiry as this would be of a very peddling and useless character, I certainly, if I have to give a vote, shall vote with the hon. and learned Gentleman the Member for Dundalk.

COLONEL NORTH said, he rose, in consequence of the statement of the noble Lord, that no case had come to his knowledge which was beyond the operation of the laws of this country, to state a case which had come to the knowledge of himself as a magistrate of the county which he had the honour to represent. Three or four years ago a nunnery had been established near the town of Banbury, in Oxfordshire, and the clergyman of that town had brought him a letter which he had received from one of the nuns in the establishment, complaining of her restraint, and of the intention of the authorities of the convent to remove her by force to Belgium. He told the rev. gentleman that, considering the position in which he was placed, he had better take no part in the matter himself, but that he (Colonel North) should be happy as a magistrate to do anything in his power to assist the lady. He accordingly consulted the lawyers at Banbury, who told him he had no power whatever to act, and when he asked what was the meaning of a writ of Habeas Corpus, they said it was by no means applicable to the case. The following day a meeting of the magistrates took place, and their clerk was directed to communicate with the Home Secretary, to whom he wrote the following letter:—

> "Banbury, Dec. 12, 1850.
>
> "Sir—The Rev. Mr. Wilson, the Vicar of Banbury, to whom the letter, a copy of which is herewith inclosed, was sent, has applied to the justices of the Banbury division of the county of Oxford for their assistance, in order to effect the release of Miss Fitzalan from a nunnery here; but, as it does not appear in what way they can legally interfere, I am directed by the right hon. Lord Villiers, as chairman of the bench, to inclose you Miss Fitzalan's letter, and ask your opinion and advice in the matter, as the magistrates would most gladly render every assistance in their power, so far as they can do so legally.—I have the honour to be, your obedient servant,
>
> "THOMAS G. JUDGE, Clerk of the Magistrates."

They received the following answer from the right hon. Gentleman, who was then Home Secretary:—

> "Whitehall, Dec. 13, 1850.
>
> "Sir—I am directed by Secretary Sir George Grey to acknowledge the receipt of your letter of the 12th instant, and its inclosure, respecting the case of Miss Fitzalan, who is stated to be confined in a nunnery at Banbury; and I am to inform you that, as Sir George Grey is not in possession of any information as to the circumstances under which Miss Fitzalan entered the establishment in question, or as to those under which she is now detained there, he regrets that he is unable to form any opinion, or to offer any advice as to the course which the magistrates ought to pursue in the matter.—I am, Sir, your obedient servant,
>
> "H. WADDINGTON."

The magistrates, therefore, had no power of getting into the house, but the young lady subsequently made her escape. In this case the magistrates had been unable to act, and the Secretary of State had been unable even to give them an opinion. He would not enter into the religious part of the question, and he should be the last man in that House to vote for doing anything that might be disagreeable to the ladies in these establishments; but he thought no house in the country ought to be beyond the reach of the law.

MR. DRUMMOND said, he had not troubled the House when this question was before it on a former occasion, because, in the first place, he did not like the terms of the Motion—and he did not like them now—neither did he like the arguments which had been used in support of the appointment of a Committee, and still less did he like the speeches which had been made against it, because he perceived that in the latter speeches there was either a great misunderstanding of the object intended, or else a gross and wilful perversion of its meaning, in order to turn the minds of the public to a totally different subject. He did not believe that there was the slightest intention on the part of the hon. and learned Gentleman (Mr. T. Chambers) who had brought forward the question, to interfere with, he did not know what to call it, the internal management of any of these houses, nor did he believe that any Member of that House would consent to be put upon a Committee nominated for the purpose of summoning those religious ladies before it, or would lay himself open to the charge of wishing to insult them. Nor did he concur in the speech of the noble Lord the Member for London (Lord J. Russell), because the same reasons existed now that existed with reference to this question when the noble Lord had called upon himself and others to support him in his Ecclesiastical Titles Bill. When hon. Gentlemen opposite said that the feelings of the Roman Catholics would be excited on this subject, and that this was not a time to excite their feelings, and talked about this being an attack on the Roman Catholic religion, they acted like the Emperor of Russia, who said that our turning him out of the Danubian Provinces was an attack upon him. An attack! No, no. Had they retracted one word they had said when they made that Papal aggression in this country? ["Hear, hear!"] The hon. Member for Cork, who said "Hear, hear!" knew that they had not, and did not mean to do so. He really could get to the truth of the question with the hon. Members who were cheering him, but he could not get at it with all the other quibblers and disputers. The question was simply whether there was a determination on the part of the Pope—[*Laughter.*] At Rome they durst not laugh at him. Oh, they did many things under the protection of heretics and in heretical countries that they durst not do in Roman Catholic countries. They had said plainly that they were determined to bring England under the dominion, spiritual and temporal, of the Pope. [An hon. Member: Oh, no!] He had said this before, and he had got with him documents to prove it. He had extracts from pamphlets and speeches where hon. Gentlemen opposite had said that they held the allegiance of the Queen as a thing vastly inferior to that which they owed to the Pope; where they had said over and over again that the Pope's rights were the things they were sent here by the priests to maintain and carry out, and it was useless supposing that this question would be set at rest by this or by any other vote till they, the friends of the Pope, had repassed the Pruth—till they had retracted the terms of the Popish aggression. The hon. and learned Member (Mr. Macguire) had said that all the picturesque descriptions we had heard about these convents were tales like Mrs. Ratcliffe's *Mysteries of Udolpho.* We did not rely upon those tales; nor, on the other hand, upon the equally picturesque accounts we heard about ladies and princesses living in the lowest parts of populous cities, devoting their lives to teaching and charity, and living upon broken fragments. This had nothing to do with the real question. Hon. Gentlemen knew perfectly well what was the real object of these establishments. Was not all the teaching that was put forward a sham? No doubt there was a large amount of teaching, and the more there was the better, but that was not the point. The object was to inveigle into the convents girls who had got money, and, when they had got them there, to force them to leave their property, away from their friends, to these establishments. [*Cries of* "Oh!"] He had quoted these instances more than once, and it was very easy for hon. Gentlemen to cry out "Oh!" but he would give them an opportunity of refuting him. He pledged himself to bring before this Committee the evidence on which his statement rested. He did not want to interfere, whether he thought it right or wrong, with any exercise of spiritual power. It could not be done, because a strong-minded man would always have an influence over a man with a weak mind. But he came to the question of depriving these unfortunate girls, when in a prison, of their property. He offered to prove cases of that kind before the Committee; and this was the reason why he should vote for a Committee. The hon. and learned Gentleman said that any one might go out of a convent. Did he not know that it was only because he was in a heretic country that he dared say so? Did he not know that the Council of Trent, of which he had sworn that he believed every word, called upon all secular powers to enforce these vows, and to shut up every person who tried to break them? But let the Popish priesthood have the power they all wanted, and where would our liberty be? It was idle to talk about these establishments as they existed in this country, for they had been perverted to the most infamous purposes in other countries, just in proportion as the priests' power had been unrestrained. They were the worst in the Spanish Colonies; they were the next worst in Spain, the next worst in Italy, the next worst in France and Germany, and the least bad in England and Ireland. He would say nothing about the exercise of the spiritual power of the Roman Catholic priests, but the pounds, shillings, and pence they should not have, because we, the Protestants, thought that their intention to increase their secular, not their spiritual power, would be detrimental to our liberties.

MR. BELLEW said, he had hoped that the House would have retained sufficient manly feeling to negative a proposition of this kind, but he regretted to say that he was deceived. The hon. Gentleman who had just sat down talked of the danger that was to be apprehended from the accumulation of wealth by these institutions. He would not, however, retain that opinion if he could be a Catholic for two or three weeks, and could see the poverty that prevailed in them, and the shifts to which they were often put, to obtain mere necessaries. This was not a time, when we were on the eve of a war, to bring forward a question of this kind, which had a tendency to alienate the feelings of men whose loyalty could not be questioned. He contended that there was no case whatever for inquiry; for all the tales brought forward in support of the Motion had been contradicted, except one with regard to a convent in Sicily, taken from *Willis's Pencillings by the Way.* That work could not, however, be taken as an authority; it was well known that if a work was to be sold in England, it must be pervaded by a tone of hostility to Catholic institutions, whenever it touched upon them. He looked upon the Motion of the hon. and learned Member for Hertford (Mr. T. Chambers) as an aggression upon the rights of British Catholics. There were many abuses in the private families of this country; there were cases in which the husband oppressed the wife, and the master sometimes nearly starved his servant to death; but did ever any one dream of making a Motion for a Committee to inquire into the manner in which husbands dealt towards their wives, parents towards their children, or masters towards their servants. Not long ago an unnatural parent in this country starved his child to death, but no attempt was made in that House to obtain a

Committee of inquiry upon the matter. The hon. and learned Member for Hertford had said that convents served as places into which Roman Catholic parents could thrust out of the way some of their younger daughters, whom, for want of funds, they could not marry well; but that statement was at strange variance with the argument of the hon. Member who had just spoken (Mr. Drummond), who said that convents were places in which young ladies were, by the threats of their spiritual advisers, compelled to part with their property for the benefit of conventual institutions. His (Mr. Bellew's) feelings of indignation against the proposed inquiry could induce him to speak on this subject to any length of time, but he would conclude by simply stating that he would watch intently every movement of the hon. and learned Member in that House in reference to his proposed inquiry.

Mr. CROSSLEY said, that whether rightly or wrongly, there was in this country a strong opinion that young females entered these institutions before their minds were matured, and then, when they arrived at riper years and changed their minds, they were not permitted to leave. Under these circumstances, he thought it was desirable to have a Committee—[*Cries of* "Divide, divide!"] All this anxiety to "burke" the question showed strongly the necessity for a Committee. Surely, if there was nothing wrong, hon. Members opposite would not object to an inquiry; for if there was no evil, the sooner the rumours that were afloat were set at rest the better.

Mr. NEWDEGATE said, that the noble Lord the Member for the City of London had stated, with respect to monasteries, that their number had increased in this country in manifest and direct violation of the law, and that the proposal to inquire into this manifest perversion of the law was a cock-and-bull proposal. [*Cries of* "No, no!"] The noble Lord certainly said that the stories on which the proposal to inquire was founded were cock-and-bull stories. The proposal was based on a manifest invasion of the law. Perhaps the House might suppose that the noble Lord meant to treat as cock-and-bull stories the instances which had been adduced of imprisonment and extortion practised upon ladies in convents—such, for instance, as were proved in the case of the Misses Macartney, and others before courts of law in Ireland. The noble Lord, in order to justify the course which he was now taking, had referred to his letter to the Bishop of Durham and to the measures which he had adopted with respect to Papal aggression. It was true that the noble Lord had written a good letter to the Bishop of Durham, and had made a good speech in introducing the Ecclesiastical Titles Bill, which might have been effectual if it had not been mutilated by the noble Lord himself. He (Mr. Newdegate) thought that those who prized Protestant institutions in this country would understand the value of the noble Lord's Protestant zeal when they considered that the noble Lord now proposed to ignore the law which prohibited monasteries, and justified himself by the course which he had taken on the Ecclesiastical Titles Bill. Was the existence of those monasteries unconnected with the Papal aggression? He had the authority of Cardinal Wiseman for stating that the renewed existence of these monasteries was one of the reasons that induced the Pope to believe that the time for making the aggression was mature in 1850. He had proof of this in Cardinal Wiseman's own words. [*Cries of* "Read."] He would do so. In an appeal which had been published by Cardinal Wiseman in 1850 occurred the following passages:—

> "It was observed that until now the only regulation or code of government professed by the English Catholics was the constitution of Pope Benedict XIV., which begins 'Apostolicum ministerium,' and which was issued in 1743, 100 years ago. Now this constitution had grown obsolete by the very length of time, and still more by a happy change of circumstances. It was based upon the following considerations:—Firstly, that the Catholics were still under the pressure of heavy penal laws, and enjoyed no liberty of conscience; secondly, that their colleges for ecclesiastical education were situated abroad; thirdly, that religious orders had no houses in England."

Here Cardinal Wiseman stated that one of the principal elements that entered into the deliberations of the Pope, when he determined on the attempt to commit his aggression upon the independence of this country, was that, in violation of the law, these monastic institutions had been allowed to grow up. The fourth consideration was that—

> "There was nothing approaching to a parochial division, but that most Catholic places of worship were private chapels, and their incumbents the chaplains of noblemen and gentlemen."

Now, he (Mr. Newdegate) had heard that His Holiness had taken some steps towards the formation of parochial divisions; but that question he should not then trouble the House by discussing. What he wished to observe upon more particularly was, that the Pope and his agents in this country had stated that one of the principal considerations which had induced the Pope to violate the independence of this kingdom was, that monastic institutions had been permitted to spring up in violation of our law, and it was to screen that violation of our law that the noble Lord the Protestant Member for the City of London refused to agree to the proposal for inquiry into these establishments, which was based upon what he was pleased to term a "cock-and-bull story." Were there, he would ask, no circumstances to show that that spirit of ultramontane aggression which had been so widely propagated throughout every country in Christendom was active in Great Britain? Was there nothing to prove to them that it became them to be more vigilant than they had hitherto been in guarding the Protestant institutions of the realm, and in increasing and strengthening those laws by which those institutions were sought to be defended. It was but the other day that the hon. and learned Member for Dundalk (Mr. Bowyer) and other Roman Catholic Gentlemen of this country had signed an address to the Roman Catholic Archbishop of Friburg, congratulating that Prelate upon the resistance which he had made to civil authority. Even the Pope himself, in his "allocution" last autumn, paid to that resistance the tribute of his approval, and held up as an example to all other prelates the conduct of the Archbishop of Friburg, thus encouraging them to resist the authority of the State in matters touching the existence or the welfare of their religious establishments; and declaring to them that it must be considered as an act of violence upon the part of any civil power to interfere with the proceedings of any priest who might be endeavouring to carry into execution the commands of his spiritual superior, whatever these might be. Such were the sentiments which the Pope promulgated—that the Members of the Roman Catholic Church, and among others the hon. and learned Member for Dundalk, were pledged to support. What confidence, he would ask the House, could they have, that, if they were to allow the laws of the country to be violated with impunity—if they were to support the noble Lord the Member for the City of London in screening the violation of those laws—respect would be paid to civil authority in England any more than it was in other countries? No speech could, in his opinion, be made which would be more calculated to invite the aggression of which they complained than that to which the noble Lord had that evening given expression. This aggressive spirit of the Court of Rome was also manifested by several hon. Members in that House. Not only had an address been forwarded, upon the part of certain Gentlemen, to a Prelate who set at defiance the civil authority in a foreign country, but the Roman Catholic Members of that House sought, by having recourse to a system of delay, and by abusing the forms of the House, to impede the free action of the English Legislature. He trusted, however, that the great majority of hon. Members in that House would show that they were determined to maintain unimpaired the power of action in an English House of Commons, as well as to secure that in no instance should the laws be set at defiance with impunity.

Mr. FORTESCUE said, he must beg the House to consider whether it would not be the wiser and more correct course, instead of following the advice which had been given them by the hon. Member who had just sat down, rather to join with the hon. and learned Member for Dundalk (Mr. Bowyer) in entreating the House to consider whether it would not be its duty and its wisdom to rescind the resolution which they had come to upon a former occasion. If ever a Motion had been made in that House which required strong grounds to justify it, and a clear public benefit to warrant it, it was the Motion of the hon. and learned Member for Hertford; but to his mind the reasons which the hon. and learned Member had alleged for his proposed inquiry were the weakest and the scantiest upon which they had ever been invited to inquire even into the most trivial and every-day subjects. He did not believe that they would have justified an inquiry into a factory or a railway, but, supposing them to have been much stronger than they were, he ventured as a Protestant to ask Protestant Members whether they had counted the cost of what they were about to do, and whether the undoubted evils which they must incur, if they entered upon this inquiry, would not more than counterbalance every advantage which the hon. and learned Member for Hertford had anticipated? The hon. and learned Member had asked them to attempt to deal with one of the most critical and delicate subjects which could possibly occupy their attention—he had asked them to deal with feelings the most subtle, delicate, and sensitive, and at the same time the strongest and most easily excited, that could enter their breasts—he had asked them to draw a line between the legitimate and illegitimate obedience to spiritual authority, and to attempt to distinguish between the conscientious submission of a pious mind and the enforced submission of slavish fear. [*Cries of* "No, no!"] No! why, this inquiry must be either a sham or a reality. If it were to be a sham, it was unworthy of that House; if it were to be a reality, it must enter into all that he had described. Again, the hon. and learned Member for Hertford had asked them to enter upon this inquiry by way of a boon and a kindness to the Roman Catholics. If it were a boon, it was one for which not a single Roman Catholic had ever asked, but which, on the contrary, was repudiated with loathing and indignation by the whole body of our Roman Catholic fellow-countrymen. He entreated the House to remember that this was no clerical or priestly question. Within the last few days a meeting had been held in this city, representing all the rank, intelligence, and influence of the Roman Catholic laity of England, who, as with one voice, rejected with indignation the boon the hon. and learned Member for Hertford had offered them. Would it be seemly, then, to offer to the world the spectacle of the Protestant portion of this nation legislating for Roman Catholics against the feeling and in the teeth of the whole Roman Catholic body? Then, as regarded the property part of the question, the hon. and learned Member had asked them, the Protestants, the members of a richly endowed Church, to inquire into the means which have been used by their Roman Catholic brethren, unaided, unassisted, unendowed, to provide the necessary funds for the services of their Church. He asked the hon. Member and the House of Commons whether it would be a seemly spectacle for them, being the members of a wealthy and powerful establishment, to inquire into this? Whatever might be gained, or whatever the most zealous supporters of the proceeding fancied might be gained by it, he asked whether this would not be greatly counterbalanced by the evils that must be incurred by proceeding with this Committee? He asked them to consider the indignation they had aroused and to count the cost that would be incurred, for it was his conviction that if all the presumptions raised—which he believed were for the most part imaginary—had been proved, even if the case had been made out—which he utterly denied—even then he considered that they would pay too dearly for the course of proceeding proposed.

MR. SPOONER said, he felt bound, after what had been stated by the hon. Member for Louth (Mr. Fortescue), to make a few remarks. The hon. Gentleman had quite mistaken the question proposed by the hon. and learned Member for Hertford, which was, whether there were not reasons to believe that persons had been induced when very young to enter convents, and that a moral influence was exercised upon their minds leading them to dispose of their property for the support of these institutions. That was the question that the hon. and learned Member for Hertford asked should be inquired into. There were no Members of that House more interested in going into this inquiry than the Roman Catholic Members were, for charges had most undoubtedly been brought against them; and an hon. Member (Mr. Drummond), whose word could not be doubted, had challenged them to the inquiry, and pledged himself to prove charges which he had stated. They were not for the first time entering into the consideration of this subject, for the House had, when there were 300 Members present, by a large majority granted a Committee, although the whole force of the Government was arrayed against the Motion —[*Cries of* "No, no!"] He asserted, without fear of contradiction, that the whole force of the Government was used on the former occasion. The noble Lord who leads the Government had used his eloquence against the Motion, and yet the House had, by a majority of sixty-five, declared that they would go into this inquiry. The hon. and learned Member who had proposed the present Amendment said he was aware of this, and that it was only on special grounds that he asked the House to reconsider their former determination. He had listened to the speech of the hon. Member, but had not heard him advance a single ground which had not been fully argued on a former occasion; and he (Mr. Spooner) considered that some special reason was required to show why the House should be called upon to revoke a former decision. The country, from one end to the other, was convinced that in these monastic institutions practices were carried on which they dared not bring to light—[*Cries of* "Shame!"]—practices which would not face the light; and the country was determined that the inquiry should be made, and the sooner it was granted the better. An hon. Member had said—and he agreed with him—that this Committee would never call women before them to examine them in the way that had been alluded to. What he wished to inquire into was the rules and regulations of these institutions, and the property that had been left to them, and he thought that the House of Commons would be neglecting its duty if it now revoked the solemn decision to which it had arrived. The right hon. Member for the City would pardon him for saying that he (Lord J. Russell), the great constitutional guide and leader of that House, to whom they were accustomed to look for sound constitutional principles, was a little off his guard when he designated the deliberate determination of the House, arrived at after a long debate, and against the powerful eloquence of the noble Lord, as leading to a "peddling and useless inquiry."

Colonel BLAIR said, he entirely concurred in what had fallen from the hon. Member who had just resumed his seat. He would only say, in addition, that in Scotland, the country with which he was connected, it was the general opinion that, in consequence of the opposition which the Roman Catholic Members were disposed to give to every Motion for inquiry into conventual establishments, there existed in reality something in the constitution and management of those establishments which they were solicitous to conceal.

Mr. PACKE said, in answer to the argument which had been put forward by the hon. Member for Louth (Mr. Fortescue), as to the effect that no complaints with respect to the management of convents had emanated from members of the Roman Catholic body, that it was quite obvious that members of that religion were prevented, either by their monastic vows, or by some other species of spiritual restraint, from making any complaint, or laying any petition before that House in reference to such subjects.

Mr. T. CHAMBERS said, he deemed it to be his duty to offer a few observations to the House with reference to the unprecedented Amendment which was then under its consideration. He called that Amendment unprecedented because the former decision was not a hasty one, but was carried after a seven hours' debate in a full House by a majority of sixty-seven; and because, from all that he could gather from those who had had long experience in that House, in no instance before that evening, upon a Motion to nominate the members of a Committee, had it been sought to set aside the decision by which the assent of the House to the nomination of such Committee had been obtained. Some special reason only could justify the House in reversing a decision at which, after due deliberation, it had arrived, and in his opinion no such special reason had been adduced either by the hon. and learned Member for Dundalk or any other hon. Member. The ground upon which he had based his Motion originally was, that in no civilised country of Europe, in only one country in the world, did the State stand with reference to monastic institutions in the same position in which with regard to those establishments England was placed. He had never, as had been asserted, attempted to base his case solely upon the instances of particular injustice or particular hardship which, with respect to the treatment of the inmates of convents, he had been enabled to adduce. He had refused to take his stand upon any but general principles, and upon the same ground he should still continue to ask the House to assent to his Motion. Not only did the history of all nations and of every age justify such an inquiry as that which he proposed, but the ecclesiastical constitution of monastic institutions themselves precluded hon. Members from saying with any degree of justice that he had not succeeded in establishing his case. Hon. Members were precluded from denying with truth that convents were places of restraint, or that they were such as it was requisite that the law should carefully watch. He should call upon the noble Lord the Member for the City of London—whose acquaintance with the constitutional history of England was so extensive and so accurate—to tell him if there ever was a period of our history when those institutions had existed, during which they had not been watched with the utmost vigilance upon the part of the State, and guarded against the natural—he had almost said the inevitable—abuses to which they were liable. He thought the noble Lord must have felt himself to be in a position of no inconsiderable difficulty that evening when he had condescended, in alluding to the names of the hon. Members who had been selected to serve upon the Committee, to observe that the fact of the name of the right hon. Member for Midhurst (Mr. Walpole) being upon the list afforded a guarantee that the Committee would not exceed the bounds of its duty. In his (Mr. Chambers's) own behalf, as well as upon behalf of the other hon. Members whose names stood upon the list, he should beg leave most earnestly to repel the insinuation which the words of the noble Lord seemed to convey—that they were actuated by feelings which would lead them to give the slightest annoyance to any human being. He should again repeat what he had stated upon a former occasion, that he did not intend, and that he never intended, that any lady bound by conventual vows should be dragged before the Committee in order to give evidence. The Committee had very definite objects for their consideration. They had to ascertain whether conventual and monastic institutions existed in this country—whether those institutions were upon the increase, and at what rate—what the relations were which they bore to the constitution of the State —by what laws they were bound—how far they were governed by the canon law—how far that law controlled them in reference to questions of property and involved a foreign allegiance—and whether the heads of religious houses did not claim and exercise a power of imprisonment, and even of transportation to foreign countries, over the inmates of those establishments? That such a power did exist, and was exercised, was strongly surmised; and the noble Lord (Lord John Russell) would forgive him for saying that to an English statesman it was not necessary to prove that certain allegations were true before inquiry could be instituted, but that it was sufficient that those allegations should be generally believed, or surmised to be true. Now, he had received letters from several Roman Catholics, as well as Protestants, to the effect that whenever inquiry had been instituted with respect to occurrences of a suspicious nature represented as having taken place in those establishments, such inquiry had always failed to throw any light whatever upon the circumstances of the particular case which it had been sought to elucidate, but had uniformly ended in a deeper obscurity. Some hon. Members might regard that as being a state of things which it was desirable should exist; but those hon. Members who agreed in opinion with him must feel, that if the charges which were brought against the inmates of conventual establishments were true, those charges ought thoroughly to be investigated, in order that a remedy for the existing state of things might be afforded; while, if those charges were not true, they must consider that it was desirable a widely-spread delusion should as speedily as possible be exploded. Then it was asked tauntingly whether they were prepared with the course of legislation which should be the result of the inquiry. Yet the inquiry was for the purpose of guiding their judgments upon the course of legislation; and the course of legislation must be determined by the results of the inquiry. The result of the inquiry might show that no legislation was necessary, or it might show that legislation was necessary for the sake of the property or the personal liberty of the inhabitants of these institutions. If he had attempted to predict what the result of the inquiry was to be, the noble Lord would have very justly said that he had improperly anticipated the consequences of his own Motion, that he had got his Bill already prepared on a foregone conclusion, and that inquiry would be perfectly unnecessary. Last year he had proposed a Bill, and the noble Lord had then told him that legislation before inquiry would be monstrous—that such a thing had never been heard of. This year, on the contrary, he proposed an inquiry, and the noble Lord asked why he was not prepared to legislate upon the subject at once. In neither way was he able to satisfy the noble Lord. Then, the noble Lord told the House, "When the Roman Catholic hierarchy assailed, as I considered, the temporal rights of the Crown, I then interfered." The rights of the Crown! Why, the temporal rights of the Crown were only parts of the Constitution, and the rights of the Crown were in reality the rights of the people. The noble Lord had himself thought proper to resist what he regarded as an aggression against the rights of the Crown; but those who agreed with him (Mr. Chambers) upon that subject believed that there was at present in operation a Papal aggression directed against the immediate rights of the people, which a Minister ought to hold equally sacred. The first of those aggressions was, as it were, a highway robbery; the other was a perpetual pilfering. The one had been a case of open-handed violence, and therefore the noble Lord interfered; but that was not to be compared, as regarded the danger of its effects, with that secret, subtle, sinister influence, which was at work everywhere in this country, undermining the liberties and draining away the property of the people, and with which the noble Lord declined to interfere. If the noble Lord were prepared to stand up for the whole Constitution, he would stand up, not only when the rights of the Crown were openly assailed by a foreign potentate, but he would also stand up when he saw an attack directed against those rights of the people which had been purchased for us that we might enjoy them ourselves, and that we might transmit them unimpaired to our posterity. He, and those who agreed with him upon that question, believed that there was exercised at the present time throughout Great Britain a secret priestly influence, in the highest degree unfriendly to the principles of the Constitution of this country, and in the highest degree opposed to the feelings of the people; and as the Constitution could only be safe in the spirit of the people, if that spirit were perverted, the Constitution could not be preserved by whole volumes of Statutes, Bills of Rights, or Acts of Parliament. Let the noble Lord look through the pages of British history, and see what the most eminent of our legislators had said from age to age as to the bearing of Popery on the English Constitution. Let him see how eloquent statesmen of old had warned, had entreated, had exhorted the English people to beware of the influence of Popery, not only on their religious belief, but on their civil liberties; let him find, if he could, a single statesman in this country during the last 600 years who had treated a question such as that now under the consideration of the House, in the spirit in which the present question had been treated by the noble Lord that night. He would tell the noble Lord then, as he had told him upon a former occasion, that the time must come, and come soon, when he or his successors in the administration of the affairs of this great empire, must deal with that subject. It was, no doubt, a very embarrassing one — it was, no doubt, a very painful one; it was so to him (Mr. Chambers). He had been told that he was infringing on religious liberty, and those who made that observation did not know the pain they were inflicting on him by such a statement. They said that he was urged on by a fanatical constituency; but of that, at all events, there could not be the slightest possible justification. He had never addressed a single observation to his constituents in the town of Hertford upon that subject. He believed they had held no meeting, and had presented no petition with respect to it; so that they were in no way answerable for his Motion. But he repeated that the Government must speedily deal with that question. Monastic institutions were numerous, and were multiplying in this country. They already amounted to hundreds, and would the Government remain passive until they should amount to thousands? Their inmates now numbered thousands, and would the Government remain passive until they should number myriads? Their property was at this moment counted in tens of thousands, and would the Government remain passive until it should be counted in millions? It was their duty to deal with the question while it could be handled with tranquillity and calmness. He had never entertained the slightest desire for an infringement of the liberties of a single Roman Catholic. He might have proposed that perpetual vows should be illegal; but he had felt that he could not have brought forward such a Motion without being charged with a violation of the great principle of religious liberty. He therefore asked the House not to retrace the course which, after due deliberation, it had thought right to pursue with reference to that question. Such a step, he could assure the Roman Catholic Members of the House, would create a feeling of great irritation throughout the country—a feeling which he should deeply regret to find excited. The public mind was at present tranquil upon the subject, because the people believed that Parliament honestly intended to inquire into its merits. He felt convinced that such an inquiry would be productive of considerable advantage, while it might be conducted in a manner which could not give the slightest offence to Roman Catholics.

Mr. BERNAL OSBORNE: Sir, although I think upon the whole that this is not a very attractive subject, and the House is evidently anxious to hasten to a division, still I am in hopes that I may be able to submit some views which may induce it to pause before confirming the vote of the other evening. I am ready to grant that at first sight nothing could appear more practicable or less harmless than a Committee of inquiry into the practices and usages of conventual establishments. Indeed, I can very well imagine that preparatory to the Easter recess it may be a labour of love for some Gentlemen to indulge their own curiosity and that of others at the expense of the convents and nunneries of England and Ireland. But I do not think that, at this particular time, the House is bound to inquire whether this is a real Motion; whether it is simply to end with an inquiry into the practices and usages of Roman Catholic convents and nunneries, or whether it is not, in its real and true nature, neither more nor less than an attack upon the Roman Catholic religion. Now, before I resume my seat, I shall, I hope, be able to prove that the hon. and learned Gentleman (Mr. T. Chambers) is possibly the unconscious instrument of a very large and wide-spread organisation, which has for its object motives of a very questionable character, from which, I contend, this House is bound to adopt the Amendment moved by the hon and learned Member for Dundalk (Mr. Bowyer). I am far from denying that there is a very powerful prejudice without the walls of this House, on the part of a large body of people who are favourable to this inquiry, which would lead them, if it were necessary, to take much further steps than a mere Committee. I am also aware that there are very many Gentlemen in this House who entertain no very lively sympathy either with the motives or the objects of the hon. and learned Member for Hertford, but who are still under that amount of electoral pressure which always occurs when subjects connected with the Roman Catholics are discussed. These Gentlemen are ever ready on such occasions to give their votes, as they will to-night, to the hon. and learned Member, though, out of the House, they shrug up their shoulders at his motives, and shrink from his objects. Now, I do not think it is the duty of a Member of Parliament to act in this way. I think it is our imperative duty to act as trustees for the great principle of religious liberty. And it is because I think that the present question is not so much one whether Roman Catholic convents and monasteries are in danger, as whether the principle of religious liberty may not be compromised, that I take upon myself to support the Amendment of the hon. and learned Member for Dundalk. Now, I will just ask one question—Who are the promoters, out of this House, of this inquiry? Who are the clients of the hon. and learned Member for Hertford? Who ask him to come forward on their behalf? Do the Roman Catholic fathers and husbands, do the Roman Catholic laity call upon him to represent them in this House, and to procure the intervention of Parliament? No, Sir; quite the contrary. If I am correctly informed, they have largely signed a petition strongly protesting against this inquiry as branding them with insult and injury. Do the inhabitants of those convents and monasteries invite the hon. and learned Gentleman to move for this inquiry? I am not aware, but I doubt if they have. The hon. and learned Gentleman says, however, that he has a large correspondence with numbers of nuns in various parts of the country. [*Cries of* "Oh, oh!"] Well, then, he said that he had had large correspondence with Roman Catholics, and I cannot think he has had the bad taste to correspond only with men who know little, or ought to know little, of the the inmates of those establishments. ["Oh, oh!"] Well, I will dismiss this subject, which I perceive is unpleasant to hon. Gentlemen opposite, especially to the hon. Members for North Warwickshire, and I will come to the real matter which is under consideration. Who are the promoters of this movement? Who are the clients of the hon. and learned Gentleman? If I should be able to prove, as I think I am, that the promoters of this measure have other and deeper designs than those which appear on the surface, designs which go to compromise the civil rights and liberties of their Roman Catholic fellow-countrymen, and that they are not simply content with a Motion for inquiry, but that they demand the repeal of the Emancipation Act—if, as I have just said, I shall be able to prove that, I think I shall show to the House, and to my hon. and gallant Friend opposite (Colonel Blair), who, perhaps, little suspects that he belongs to the Protestant Alliance, of which the hon. and learned Member is the mouthpiece and the unconscious instrument, that the real motive and the real design of this Motion is really to repeal the Emancipation Act. It so happens that I have had the Resolutions of what is called the "Scottish Conference," which has been so ably represented to-night by the hon. and gallant Member for Ayrshire. What are these Resolutions? Remember this is a case in point, proving that the hon. and learned Member (Mr. T. Chambers) is merely endeavouring to get in the small end of the wedge before he proceeds to other Motions in this House. Now, what does this "Scottish Conference" call upon the House of Commons to do? They met in Edinburgh, and they called themselves—in opposition, I suppose, to the joke made of "the Pope's brass band"—"the Protestant Band of the Kingdom," and of that band I infer that the gallant Colonel has the command. They said, after having sung the doxology, which, by the by, these persons always do when they are going to abuse people, that they were for special measures; and here are some of them. Their first "special measure" is, that Roman Catholic criminals should not have the advantage of a Popish chaplain in gaol. I can easily understand that that would not be tolerated by my hon. and gallant Friend. What is their second "special measure?" It is, that they will support the Motion of the hon. and learned Member for Hertford (Mr. Chambers) for having conventual establishments thrown open to public inspection. Then they go on to say:—

> "That a petition shall be sent to both Houses of Parliament, to the effect that no mere inquiry into the nature of convents and other institutions can ever satisfy the Protestants of this country, and that at the very least all such institutions must be opened to public inspection."

They go on further, and call upon Government to repeal the grant to Maynooth. These are the clients of the hon. and learned Gentleman. [Mr. T. CHAMBERS: No, no!] Does the hon. and learned Gentleman mean to dispute that fact? [Mr. T. CHAMBERS: Yes!] Then I will prove it in a very short time, out of his favourite newspaper. The hon. and learned Member of course reads the *Record.* I did not intend to read anything from it, but as the hon. and learned Gentleman has interrupted me, I must read one passage. Here it is:—

> "Any of our readers who can suggest the means of obtaining information would do well to communicate with the Protestant Alliance, at whose request Mr. Chambers first undertook this important matter."

But I now come to more important matter. What was the final resolution adopted by the Scottish Conference? I read it, I confess, with feelings of the deepest shame, that any body of men in the highly intellectual city of Edinburgh should have adopted it. Yet we are told it was "passed with the utmost enthusiasm." The resolution says:—

> "Constrained by a sense of duty to God, and that of preserving our own civil and religious liberties, we desire the immediate exclusion of Papists from Parliament, and from all other places or pay under the Crown, at home and abroad."

What do hon. Gentlemen think of that? Why these Gentlemen are actually playing a modern Peter the Hermit, and preaching a new Crusade against convents. ["No, no!"] Then, what is the meaning of these words, that Papists be excluded from Parliament, and that they shall hold no places or pay under the Crown either at home or abroad? So much for the resolutions of the Scottish Conference. And now I want to know how the hon. and learned Gentleman presumes to make out his case. I listened to the whole of his observations, thinking he would bring some strong instance of ill usage or annoyance to the inmates of convents and monasteries. I paused for some time, to hear whether any of his supporters would mention instances; and at last, when during that dreary interval when hon. Gentlemen are accustomed to leave you, Sir, almost alone in the House, I was surprised to see the hon. and gallant Member for Oxfordshire (Colonel North) get up and read a letter, adducing a fact, from a place in his native county. The case, I think, occurred in Banbury. I was curious to know something about this Banbury case. Accordingly, I went and found that, so far from the house being a religious house of one of the endowed orders, it was not a house of the endowed orders at all, but simply an establishment belonging to the Sisters of Mercy. Sir, the case of Miss Fitzalan is well known. Her real name was Baker, I believe. She was out of her mind, and passed herself off as the daughter of my noble Friend behind me (Lord Edward Howard), though at that time my noble Friend was only ten years of age. She had been to France and everywhere else, and was, he believed, one of those impostors with whom this country was occasionally infested. The "convent," in this instance, was not an endowed house at all. It was not one belonging to the orders into which the hon. and learned Gentleman wishes to inquire; and I leave the case to be settled between the hon. and gallant Officer (Colonel North) and the hon. and learned Member. There are, however, no end to these sorts of atrocious calumnies, to these monstrous fictions, which are so easily asserted, and so greedily believed. The noble Lord (Lord J. Russell) talked of those which have been stated as "cock-and-bull" stories. So they were; and I can remember an hon. Gentleman on the other side of the House—one of the twin Members for North Warwickshire—ventilating a story, an awful delusion, that he has conveniently forgotten ever since. He asserted, "I want the House to know what is going on in this country; there is a place near Birmingham, named Edgbaston, where there is a great establishment building, in which I find, upon inspection, that there are numerous cells." I will give the hon. Gentleman the benefit of these cells. Now, I was curious myself about these cells, as the statement of the hon. Gentleman produced great sensation throughout the House, and the division on that occasion was mainly influenced by the hon. Gentleman's anecdote. Well; it turns out that these cells were nothing more than cellars; and that what the hon. Gentleman thought was a cell for flagellating monks turned out to be a larder for hanging up mutton. [*Laughter.*] I pledge my veracity to this statement, for I made inquiry into the case myself. The fact is, the hon. Gentleman (Mr. Spooner) was imposed upon, or, at least, he imposed upon himself. The place belonged to the Oratorians; the hon. Gentleman mistook the chamber of penance; and thus ended one of those cock-and-bull stories that used to be enlarged upon by the hon. Gentleman. Now, what can be the reason of all this? Why, Sir, it is nothing but real sectarian rancour, which possesses some of the properties ascribed to the trunk of the elephant; there is nothing too monstrous which it will not grasp, and nothing too petty or too peddling which it will not stoop to scrape together. I will give you proofs of it. The other day I was surprised to see that the clients of the hon. and learned Member for Hertford had selected the county of Sussex as the scene for a new device. They have improved very much in their plan. It appeared that Italians were imported as they did organ boys, and set to furnish lectures for the instruction of the people. I will quote the bill announcing one of these lectures, which contained rather a novel piece of geography. A lecture was advertised at Hastings, and the placard was addressed to "the friends of the Reformation." It stated that "the Rev. Joannes Victor de Theodore, D.D., formerly an Infulatus"—I always find that these people know more about the Romish Church and its titles than Roman Catholics themselves—well, this gentleman was "an Infulatus and archdeacon of the Romish Church, who, by the Pope's order, was sent to Siberia for reading the Scriptures, where for a year and eleven months his sufferings were very great." It was also announced that this gentleman was to appear in pontifical robes. Not contented, however, with this exhibition, the supporters, if not of the hon. and learned Member for Hertford, at least of his principles, must need have recourse to a baron—a real baron—known as the Baron de Camin, who went about delivering lectures on the institution of nunneries in the Roman Catholic Church, the ceremonies performed at the taking of the black and white veils, and the corrupt practices prevailing in nunneries in this and other countries. At one of these lectures at Brighton this nobleman was proceeding to illustrate the cruelties inflicted upon certain nuns, who refused to lend themselves to the corrupt practices of their superiors, by models of instruments of torture, when the grotesqueness of the models and the peculiarly expressed nobility of the Baron's manner excited the merriment of his audience, who forthwith proceeded to question him and call for proofs. Being equally unwilling, as the hon. and learned Member for Hertford and his Friends, to have anything to do with such vulgar things as proofs, the Baron became indignant, and, upon being called on to corroborate even so trivial an assertion as that nuns while taking the black veil were frequently smothered by the incense, or had been even carried out dead, he repudiated the justice of being so challenged, and by his refusal or inability to explain what he asserted, was compelled to beat a retreat. The termination of this meeting was described as a scene of great confusion, several persons, principally females (the Baron, like the hon. and learned Member, having many supporters among the gentler sex), in different parts of the room, joining loudly in supporting the Baron and abusing the Papists; and one in particular highly distinguished herself by assaulting some ladies in reserved seats, who, not being known as Protestants, or conducting themselves on this occasion with the decency of such, were, by a fine force of reasoning, presumed to be and assailed as Roman Catholics. These were the measures and the means by which the people of England were deceived and misled; and these were specimens—some out of many—of those unmanly and unfair delusions to which some men were not too honourable and to proud to have recourse, in order to secure a seat in this House, and pander to those sectarian animosities which it was their interest, no less than their endeavour, incessantly to keep alive. The hon. and learned Gentleman has asked why we do not act in respect to conventual establishments as they do in Prussia, in France, and in Bavaria? A noble Lord (Lord Lovaine) who spoke early in this debate, has also alluded to Bavaria. Now, it happens with respect to France—to take that country first—that before the first Revolution vows were both civilly and spiritually binding; and at the present time I know, because I have the statement from a well-informed person, the law takes no cognisance of these religious houses further than to inspect the schools and hospitals connected with them, There is no inspection of the convents. Now I say that before the hon, and learned Member brought the Motion forward he was bound to inquire into these things. The law is the same in Bavaria. In Bavaria convents are not inspected. Schools are inspected, but not convents. And what is the case in Prussia—in Protestant Prussia? Here is a curious document, which I will take the liberty of reading in part, because it emanates from a most distinguished man, Dr. Dollinger, of Munich. He says:—

> "No law which authorises public functionaries or any other person to penetrate into the interior of a convent, to visit it or to question the nuns, has ever existed, and would certainly have been resisted. One attempt only has been made in 1847, an inaccurate account of which has probably given occasion to the rumour you mention. The Government ordered that young ladies, just before taking their solemn vows, should be questioned by a public functionary, whether they intended to take them quite of their own free will; but this was to be in the parlour or in a room of the convent. The order gave great offence; the bishops remonstrated, and the Government has withdrawn it accordingly eighteen months ago."

Again, with respect to Prussia, I have the authority of General Radowitz for saying that—

> "Even before the introduction of representative government, in Prussia the Government did not pretend to exercise a right of visitation, *quoad interna.* The influence which it reserved for itself was limited to authorisation for the reception of novices. Since the constitution has been granted this reserved right, and every other Government influence in respect to convents, must be considered as abolished, it being derived from the *jus placeti*, and from the *jus ceria sacra*, of which the first is expressly abolished, and the second is incompatible with all logical interpretation of the eleventh article of the constitution. The State finds itself, in relation to the convents, exactly in the same position as it is in relation to the other corporations recognised by the Government."

What becomes now of all the instances adduced by the hon. and learned Gentleman of the practice in Prussia, France, and Bavaria? But even if the hon. and learned Member's instances were correct, I deny that we are bound to follow the example of other countries in such a case. But where is the use of citing authorities and endeavouring to convince those who are unwilling to be undeceived, and who would deviate any distance from the right path to avoid the straight road, and who would sooner be popular in their delusions than correct in their facts? The information possessed by some hon. Members on this subject reminds me of what the historian Gibbon once said of himself, namely—

> "That he entered upon the particular task he then had in view, with a stock of erudition that would puzzle a doctor, and an amount of ignorance of which a schoolboy might be ashamed."

But the hon. and learned Gentleman stated, and I was amused at it, if such a subject can be amusing, that monastic institutions are on the increase in England. Why, Sir, it is well known that since the year 1800 they have been decreasing [Mr. SPOONER: Oh, oh!] The hon. Member for North Warwickshire compels me to read extracts. For when I hear his deep bass voice crying "Oh, oh!" what can I do? I maintain that the number of monastic institutions has decreased in this country. [Mr. NEWDEGATE: No, no.] I think the hon. Member for North Warwickshire—I mean the joint Member—is bound, because his fame depends upon his statistics, and not his oratory, to listen to this. In the year 1800 Bishop Horsley enumerated in the House of Lords, twenty-five religious communities which had existed in this country, and showed that eighteen endowed convents only then remained, of which eleven had gone abroad leaving only seven, of which four were poor schools. Now, Sir, I ask whether you do not think you are not stigmatising the Roman Catholics of this country by this Motion? Are you not holding them up to worse than suspicion? Are not insinuations made of practices of which honest men are ashamed. I cannot help thinking that the imputations which have been thrown out against many of the monastic institutions of this and other countries, and against inmates of them, are as unjust as they are ungenerous and unfounded, and, being so, I consider that they cannot be too severely condemned. I cannot help remembering that these imputations assume the form of insinuations against the ladies dwelling in these asylums, and that such insinuations, mean and unfounded as they are, often prove more injurious to a woman than the coarsest and the boldest accusation could do. I am sure that the hon. Member for Perth (Mr. Kinnaird) does not agree with that which the hon. and learned Gentleman (Mr. Chambers) insinuated with all the legal acuteness of the Old Bailey bar in opening his case. If time permitted I could have gone into the question of schools, into the teaching of the religious houses in England; but I would recommend hon. Gentlemen who wish to understand this question to turn to the Report of Mr. Marshall, one of the school inspectors in 1852, who gives an account of what the Catholic schools have done in Liverpool. I am sure that no hon. Gentleman who reads that Report carefully will vote for this Motion. Ireland, however, has hitherto been left out of consideration. I am surprised that the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), who is so intent on making a bid for the votes of Irish Members upon the question of a packet station or a Poor Law Bill, does not speak boldly upon this subject. The right hon. Gentleman and his Friends have always consistently voted for inquiry into the practices of conventual establishments. But with regard to Ireland, the Reports of the school inspectors will show the really great work that has been done there. I might quote the work of Sir John Forbes on this subject, if time permitted. I must say I think this House ought to pause before it nominates a Committee of this kind. I am quite aware that, although hon. Members can talk in any way about these institutions, yet, if they were told the truth as applicable to themselves, they would not listen to it with even common patience. It is my firm belief that nearly all that has been brought against these institutions is calumnious and undeserved; and I am convinced, as every unprejudiced person must be, that, so far from doing the harm that has been attributed to them, they have been the means of saving hundreds of families from receiving poor-law relief and have been also instrumental in successfully carrying out some of our greatest charities and most useful schools. Exception has been taken to the names of some of the Committee, but I have no desire to particularise offensively any of the hon. Members who have been suggested, inasmuch as, apart from their prejudices, I do entertain for many of them a most sincere respect; but what I do object to, is, the general notion of sending upstairs such a body of Gentlemen, whom I look upon as little better than "polemical Paul Prys," who have formed their conclusions before they have deliberated, and who will carry in their head the notions, as they probably always have in their pockets, the books, of all kinds of old-fashioned casuists; and finally, who know that their object will be best obtained by disseminating a cry of "No Popery" throughout the country. I therefore call upon the House to pause before it takes this ill-omened step urged by the hon. and learned Member for Hertford, and to vote for the Amendment of the hon. and learned Member for Dundalk. But, apart from the question of the expediency of embodying such a Committee, this is surely a very inopportune time, and scarcely a wise step, when you are on the eve of a war—when you have some hundreds of Roman Catholic seamen in your fleet, and some thousands of Roman Catholic soldiers in your Army—to offer those men an insult like this, for that is the light in which they will look upon it. Was there ever an instance of such a question as this being discussed at such a crisis in a nation's history? I believe there was one. I think Gibbon tells us that the Greeks were employed in discussing a question of mingled theology and philosophy—namely, whether the light on Mount Tabor was created or uncreated—at the very moment when that enemy of civilisation, Mahomet the Second, was entering by a breach into the then capital of the Christian world. And now, again, at a time when the enemy of all civilisation in these days is watching for an opportunity to make a similar inroad to the same capital, here are we, in the British House of Commons, debating whether we shall inquire, not simply into the condition of religious houses, but into the means of best carrying out the nefarious project of the Scotch Conference. I say, if every Roman Catholic, both in and out of this House, does not feel this to be an attack upon his creed, they are very different men from what I take them to be. For these reasons, Sir, I call on the House, in the name of expediency, and I call on it in the name of justice, to resist this Motion, and to support the Amendment of the hon. and learned Member for Dundalk.

Mr. WHITESIDE said, he must congratulate the hon. and gallant Gentleman who had last addressed the House, upon the speech he had delivered. He had often had occasion to admire the variety and brilliancy of his talents, but he did not know that on any former occasion the hon. Gentleman had given equal proofs of his ability and indomitable industry. He had feared that the labours of office had silenced the voice of the hon. and gallant Gentleman for ever; but he now unfeignedly rejoiced to think that their debates were yet to be animated by the display of his versatile and lively talents. The hon. Gentleman formerly belonged to the noble profession of the Army; he had recently transferred his talents to the Navy; he was as successful in the one as in the other; and now he showed himself equally at home in theology. The hon. Gentleman had a serious question to discuss, and how had he discussed it? He had collected a number of absurd quotations from tracts, which he had read to the British Parliament, as if he believed there was any Gentleman in it so steeped to the lips in bigotry as to give a vote on the strength of the absurdities with which he had amused the House. The hon. Gentleman had read a series of very ridiculous and laughable extracts to the House; but what had they proved? Did he mean to tell the people of England that their deep and settled convictions were to be treated in such a fashion as that? If the people of Scotland were a reasoning and a reflecting people—if the people of England were just and rational—they would not be influenced by misrepresentation or extravagance, nor by such flimsy pretences as the hon. Gentleman had dwelt upon in the course of that important debate. If the hon. Gentleman had proved to the satisfaction of the House that inquiry into those matters trenched upon religious liberty, he (Mr. Whiteside) would exhort every man to vote against it. But how had he proved that assertion? What was the question before the House? Why, whether Parliament ought to inquire into monastic institutions and the relations in which they stood to the existing law. How had he met that proposition? There were numbers of virtuous women in those convents who devoted their lives to what they believed to be their duty to God and their fellow-creatures; and surely those ladies might have expected a more generous and considerate treatment at the hands of the hon. and gallant Gentleman who had undertaken to advocate their interests on this occasion. He (Mr. Whiteside) did not think with the whole weight of the Navy on his shoulders that the hon. Gentleman would have found time for the collection of so much trash. Now, he (Mr. Whiteside) was of opinion that the important, because the more practical question in this case, was that connected with property; but when he ventured to submit a Bill to the House affecting the question of property, he was asked by Members of the Government not to push that measure forward into a law, but to be content with referring it to the Committee about to be appointed by the hon. and learned Member for Hertford (Mr. T. Chambers). Did the hon. Gentleman contend that it was beyond the province of the House of Commons—that it was outstepping the domain of religious freedom, within which they ought to keep—to discuss how property was transferred to conventual establishments? The hon. Gentleman uttered not a word upon that subject. Why had we inquired into the operation of the Mortmain Laws? Why had we inquired into the condition of corporations? Why had every really civilised country imposed wholesome restraints on the transfer of property to conventual and monastic institutions? and why might we not do so? The hon. and gallant Gentleman asked, when had the Catholic laity complained of those monastic institutions? But he could not have considered the matter. He surely must be aware of the mode in which contracts, deeds, and other instruments were sometimes extorted from Roman Catholics for alleged religious purposes, as shown by cases which had from time to time come before the tribunals of the country. The facts failed the hon. Gentleman. There were abuses, no doubt, and the question was whether or not they ought to inquire into those abuses. Again, he would remind the House that many of the inmates of conventual establishments were bound by oaths; and he would ask, why did Sir Robert Peel, in passing the Emancipation Act, insert several clauses into that memorable Statute, distinctly dealing with friars and Jesuits? Because, he said, they were bound by oaths to obey a foreign Power. But although these clauses did not apply in terms to conventual establishments, would any Roman Catholic stand up and deny that in many of them the inmates were bound by oaths, such as the oaths of obedience and of poverty, and that the very first thing the inmates were obliged to do on entering was to make a will disposing of all the property of which they were possessed to the institution to which they had attached themselves. If he were to offer, respectfully, a piece of advice to the Roman Catholic Members of that House, it would be that, as the Church of England had been inquired into, and as almost every other institution in this country had been the subject-matter of inquiry, if they were wise they would not refuse the investigation which was suggested, and which, if it turned out in their favour, as they confidently anticipated, would tend to remove the prejudices and dispel the bigotry of which they complained, and the more to establish those institutions which they believed and asserted had reflected honour and conferred blessings on the country.

MR. P. O'BRIEN said, he must complain of the hon. and learned Member (Mr. Whiteside) attempting to throw a mist over the statements and arguments of the able speech delivered by the hon. Member for Middlesex (Mr. B. Osborne). He (Mr. O'Brien) had often had an opportunity of witnessing the *nisi prius* displays of the hon. and learned Member for Enniskillen, in Ireland, and he must say that he was quite prepared for the exhibition which the hon. and learned Gentleman had made of himself that evening. The hon. and learned Gentleman felt himself altogether out of his depth when attempting to answer the speech of the hon. Member for Middlesex; and instead of grappling with his arguments, or giving a satisfactory explanation of any one of the startling facts to which that hon.—and, he might well add, learned—Gentleman had called the attention of the House, the hon. and learned Member for Enniskillen merely contented himself with raising a cloud of fine words and fantastic conceits, in which he endeavoured so to envelope the question which was really before the House as to render it inaccessible to vision. This proceeding was no doubt a highly characteristic one; but it was very little creditable to the hon. and learned Gentleman, and reflected but slight honour either on his candour or his intelligence. The laws of mortmain had nothing whatever to do with the question before the House, which was simply whether a number of ladies, who devoted themselves to the holiest, purest, and most benevolent duties, should be subjected to an inquisition as insulting and dishonourable as it was utterly uncalled for. He put it to the manly and gentlemanly feelings of Members of that House to reject such a proposition with the scorn it deserved. He regretted the display of acerbity which had been shown in the present debate. They were considering what were the feelings of a large mass, and he hoped that they would not turn a deliberative assembly like the House of Commons into a debating society for the consideration of the religious differences of opinion, but endeavour, in a calm and dispassionate manner, to ascertain what would be the best for the interests of the whole community. He implored the House, therefore, to dismiss from their minds all narrow and sectarian views, and to treat the subject in a fair and candid spirit; for he could not forget the lesson he had learnt from the very benches near which the hon. and learned Member now sat, inculcating, as they did, the principle that, casting aside all sectarian differences, they ought to be guided alone by considerations of the material interest of the country. He believed the present Motion was brought forward entirely to suit party purposes, and he must say that he should have thought the hon. and learned Member for Hertford (Mr. T. Chambers) would be the last person who would attempt to dictate what course should be pursued with reference to individuals who were acting from the most conscientious motives.

MR. J. O'CONNELL said, that it had been stated several times, and very truly, in the course of the debates on this subject, that it was most unwise to revive these questions of religious dissension, and to excite feelings of difference between England and Ireland. It had been argued, from those statements, that an attempt was made to bully and to frighten the House by the suggestion of a revolutionary movement among the Catholics of Ireland.

Now he must protest most strongly against such an interpretation being put upon these statements. Even if the Committee now moved for were appointed, he did not believe that this country would have anything to fear from Ireland, for Ireland had exhibited the strongest feeling of loyalty, and of willingness to support the honour of the Crown and the dignity of the empire in the coming struggle. He would remind the House that, when England was threatened with invasion by the Spanish Armada, the Catholics, although precluded from entering the service of the Crown, contributed liberally to fit out ships to repel the common enemy, rather than have it said that they were deprived of all share in the defence of the country; and he was convinced that, in the present day, Catholics were actuated by the same spirit. This was, however, no reason for insulting Catholics, and for outraging their most sacred feelings. He considered the Motion of the hon. and learned Member for Hertford (Mr. T. Chambers) as a most wanton Motion; for that hon. and learned Gentleman had confessed, on a former occasion, that he had no facts to go upon. Was it, then, becoming the dignity of that House to consent to an inquiry which was asked for upon mere surmise, and the necessity for which was not established by facts? The Irish Members did not threaten; they did not bully; but they asked, "Why should England seize the moment when she finds us enthusiastic in her cause to offer us a wanton insult?"

Mr. DUNLOP said, he wished to correct an erroneous statement which had fallen from the hon. Gentleman (Mr. B. Osborne). The hon. Gentleman had quoted four resolutions which he said had been adopted by the Scottish Protestant Conference. The last of those resolutions was, he stated, that they should endeavour to obtain the expulsion of Roman Catholics from Parliament, place, or pay, under the Crown. Now, he (Mr. Dunlop), knowing that many of the members of that Conference were men of the most liberal feeling, felt sure that the hon. Gentleman must have been in error. He had, therefore, requested the hon. Gentleman to let him see the Report of the Conference; and he found that the fourth resolution was not contained in it. He felt sure that such a resolution would have been indignantly repudiated by most of the gentlemen at that Conference. For his own part, he felt the utmost indignation at the idea of being supposed, after having laboured for the removal of Roman Catholic disabilities, willing to restore them; and he begged to assure the House that his brethren in Scotland were not so utterly bigoted, and so lost to every liberal feeling, as might have been supposed from the statement of the hon. Member for Middlesex.

Mr. J. D. FITZGERALD said, that if the resolutions to which the hon. and learned Gentleman (Mr. Dunlop) alluded did not emanate from a Conference of the Protestants of Scotland, he would read to the hon. and learned Gentleman and to the House the language of a circular letter which was avowedly issued by that Conference. If, however, the resolutions to which the hon. and learned Gentleman had referred did not emanate from the Protestant Conference of Scotland, they did emanate from a large and influential Protestant meeting held in the city of Edinburgh. Now, he (Mr. Fitzgerald) would ask permission to read an extract from a circular letter addressed to the Protestants of Scotland by the standing committee of the Protestant Conference, on the 14th of March, 1854, (there having been present at the Conference 764 ministers and laymen of various denominations, including 405 representatives of public bodies,) and he would then ask the hon. and learned Member for Greenock (Mr. Dunlop) whether he could praise the moderation and liberality of his Scotch Protestant fellow-subjects. The circular contained this passage:—

> "It is needless to press upon the reader the vital importance of the present struggle. Popery, the blasphemer of God and the enemy of souls—the parent of crime and misery—the curse of commerce and manufactures—and the ruthless foe of our dearest rights—is now rolling in like a flood, filling our lanes with paupers, our prisons with criminals, and our land with corruption. And its atrocity keeps pace with its growth; its most persecuting tenets are now openly avowed; works of Popish theology, which make void every law of God, are gloried in. And these doctrines are but too faithfully practised. In Ireland a reign of terror prevails, over which the Maynooth-trained priest is the presiding genius."

Never in the course of his life did he (Mr. Fitzgerald) read so impious a document. ["Hear, hear!"] That language might be strong, and might be distasteful, but he was prepared to repeat it, and he was certain there was not in that House a Gentleman who would not condemn the language he had just read. The circular contained other expressions of a still more loathsome character, and he would, therefore, forbear to read them. The resolution which had been referred to was adopted at a meeting held in Edinburgh, and had been, he believed, sent to every Scotch Member; and, amongst other phrases, it is said that—

> "They were constrained by a sense of public duty to do all in their power to preserve intact their civil and religious liberties, and with that view it was desirable that Papists should be excluded from Parliament, power, place, and pay, whether at home or abroad."

That was a part of the resolution which the hon. and learned Member had thought it necessary to rise and indignantly deny. Surely, the hon. and learned Member would not venture again to praise the moderation and temper of the Scotch Protestants. The supporters of that resolution would therefore exclude Catholics from the Army and the Navy; they would drive out of the ranks of the Army now on its way to Turkey every Catholic soldier, and they would take out of our ships every Catholic sailor. The Conference recommended the formation of a Protestant band in Parliament, and what did that mean? With a single exception, the Catholics now in the House of Commons all came from Ireland; Great Britain returned but one; and in the formation of this Protestant band was implied the repeal of the Emancipation Act. The hon. and learned Member for Enniskillen (Mr. Whiteside), by whom the House were generally amused, although they derived very little profit or information from his speeches, had asked whether they were to be influenced by the absurd publications quoted by the hon. Member for Middlesex (Mr. B. Osborne), but they were printed and circulated with the view to render the Catholics hateful to their fellow-subjects. Whatever the persons who issued these publications might be, the members of the Conference assembled at Edinburgh were not ignorant men, and had there been anything half so atrocious published in Sussex as the opinions expressed by the educated body forming the Conference at Edinburgh? It should be remembered that the hon. and learned Member (Mr. Whiteside) had introduced a Bill this Session, which he said was for the purpose of protecting property. But in what way did he propose it should be protected? Why, simply thus—that if property were given to any conventual institution, and if any person at any time afterwards took upon himself to dispute the gift, it was to be made void. Such was the enlightened legislation of the hon. and learned Member. The hon. Member for North Warwickshire (Mr. Spooner) had said that if this inquiry were resisted, the Protestant community would come to the conclusion that there was something to conceal. But he believed the supporters of this Motion did not contemplate examining the ladies in these institutions, and the reason why it was resisted by the Catholic Members of that House was that it had been brought forward and intended as an insult and aggression, and the commencement of a series of attacks upon the Catholic religion. The hon. and learned Member for Hertford had deservedly eulogised the constitutional lore and historical knowledge of the noble Lord (Lord John Russell), but he forgot for the moment that the noble Lord was opposed to this Motion. He said that the law in this country was in an anomalous state, and that in other countries, in France, Belgium, Portugal, and Spain, convents were by the law subject to investigation and inquiry. But in these countries convents and monastic institutions were recognised, supported, and protected by the law, and brought into connection with the State, as they were at one time recognised by the law of England, by which they were regarded as corporate bodies. From the shallow policy, however, which this country had followed, the Roman Catholic religion had been tolerated, but had never been properly recognised. If it were proposed to treat these institutions as corporate bodies again, and to enable them to take property, he could understand hon. Members who might come forward with a proposition like the present, and who thought that the Roman Catholics ought to be called upon to expose these institutions to investigation. But as long as Parliament thought proper to deal with these establishments as private houses, they never could with fairness and justice be exposed to inquiry until a case had been made out for subjecting them to investigation. The Committee were to be appointed "to inquire into the number and rate of increase of conventual and monastic institutions in the United Kingdom;" but that they could ascertain from every Roman Catholic almanac in the country. They were also to inquire into "the relation in which they stand to the existing law." No Committee could be necessary for inquiry into that subject, because their relation to the law was perfectly well known: the law ignored their existence, and afforded them no manner of protection. Lastly, the Committee were to "consider whether any, and, if any, what further legislation is required on the subject." The Committee were not to "inquire" into this part of the subject, but to "consider," which plainly argued a foregone conclusion.

Mr. BLAND said that, as an Irish Protestant Churchman, living in a Catholic district, he must trespass on the patience of the House for a few minutes. It was most remarkable that this outcry against monasteries and conventual establishments did not arise from Protestants resident in Ireland. It arose from his side of the House, and was kept up by hon. Gentlemen representing English constituencies. It was not supported by any facts or arguments from even the High Church party in Ireland—and although the hon. and learned Member for Enniskillen had risen, not only on that, but on former occasions—that hon. and learned Gentleman had confined himself to the mere question of property. He wished to add his testimony to the good done by these ladies in the county which he represented. In one of these institutions 130 poor girls received a good education and were instructed in industrial pursuits. The cry had not come from Ireland, because Irish Protestants knew the working of the system; and it had come from England, because those who raised it did not know practically the working of the system, and, therefore, were obliged to found their shallow knowledge on fiction mixed with facts, on old stories, and on newspaper gossip. It would be vastly better if the zeal of the hon. and learned Gentleman who brought forward the Motion were expended on the instruction of the lower orders of the manufacturing districts of England, with whom the Irish lower orders, under the present system, contrasted favourably. He could say without hesitation that Irish Protestants did not bear the same feeling towards conventual establishments that English Protestants did; and the Catholics felt the measure as an insult. If any Catholic gentlemen would submit to have the alleged persecutions inflicted upon their female relatives, they were unworthy of the name of gentlemen; and if they were gagged by Pope or priests to submit to such inflictions, then the sooner the Emancipation Act were repealed the better.

Mr. GOOLD said, he hoped he should be allowed, as a Protestant living among Roman Catholics, to add his testimony to that which had been already given as to the advantages which convents conferred upon Ireland. There were many of those institutions in the city and county of Limerick, and he knew they had done a vast amount of good, especially in the way of education. At the present moment a large number of the inmates of those establishments were not only visiting the sick, but were also attending the hospital in the city of Limerick, where cholera was raging; and he felt he should ill repay the debt of gratitude which he owed to them if he did not vote against any Motion which tended to throw the slightest shadow of a reproach upon the institutions with which they were connected. He agreed with the the hon. Member for West Surrey (Mr. Drummond), that the Motion of the hon. and learned Member for Hertford (Mr. T. Chambers) was the result of the irritated feelings produced by what was termed the Papal aggression; and it was because that Motion was an attempt of one portion of the community to annoy another on the score of religion that he mainly objected to it, and should most cheerfully give his vote in favour of the Amendment.

Mr. COGAN said, he rose for the purpose of moving the adjournment of the debate. He did so because a large number of the Gentlemen by whom he was surrounded had not heard the speeches which had been delivered that evening, and as they were to be asked to vote for the discharge of an Order to which that House had deliberately come, it was very desirable that they should be supplied with good reasons for their votes. The speeches which had been made that evening clearly proved that the Motion of the hon. and learned Member for Hertford was carried by a fraud; for while that Motion had reference simply to the appointment of a Committee to inquire as to whether ladies were detained against their will in conventual establishments, the House had now been told that the object which its supporters had in view was, to inquire into the increase of the Roman Catholic religion in the United Kingdom, and to lay hold, if possible, of the funds belonging to the Roman Catholic Church. At all events, it was highly important that those Gentlemen who had not been present in the early part of the evening should be allowed an opportunity, before giving their votes, of reading the reports of the speeches which had been delivered, more especially that of the noble Lord the Member for the City of London, who certainly had earned the gratitude of every Roman Catholic in that House.

MR. BENTINCK said, a remark had fallen in the course of the evening from the hon. Gentleman the Secretary to the Admiralty (Mr. B. Osborne), so remarkable from a Gentleman holding a high official position, that he could not allow it to pass without notice. The hon. Gentleman had told the House, that being on the eve of war, it would be inexpedient in the House to press on the measure now before it, inasmuch as by so doing they would be running the risk of alienating the loyal feelings of Her Majesty's subjects now serving in Her Majesty's Army and Navy. Now, he was not about to offer any opinion as to the propriety of such a suggestion coming from a Gentleman holding the high official position of the hon. Gentleman—that was a point which he would leave the hon. Gentleman to settle with his Colleagues; but he believed that in offering that suggestion the hon. Gentleman had passed a slanderous accusation upon his Roman Catholic fellow countrymen. He did not think that any act of that House, even coupled with a suggestion from the high authority of the hon. Gentleman himself, would have the effect of alienating the loyal feeling of our Roman Catholic fellow-subjects, or of inducing them to sacrifice that high character for loyalty and gallantry which they hitherto always enjoyed.

MR. BERNAL OSBORNE: I am sorry, Sir, to be obliged to state that I did not use the expression which the hon. Gentleman has imputed to me. What I said was, that if this Committee were appointed, the Roman Catholics would feel that a reproach was cast upon their religion. I repeat that statement.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided* :—Ayes 91 ; Noes 233 : Majority 142.

Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. G. H. MOORE said, he should now move the adjournment of the House. It was absolutely impossible that they could have a division upon the main question that night. There were still a great number of Members anxious to speak. The hon. Member for Meath (Mr. Lucas) and he (Mr. Moore) himself wished to speak. The hon. Member for Cork was desirous of speaking. They had only heard the Government on one side of the question. He thought it would be interesting to the House to hear them upon the other side of the question. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) was evidently most anxious to speak, for he was so pregnant with feeling on the subject he could not help prompting the hon. Member for West Norfolk (Mr. Bentinck). He, therefore, took the liberty of moving the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."

SIR JOHN WALSH said, he had listened to the arguments of the hon. Member for Mayo (Mr. Moore), and they appeared to him to be totally unsatisfactory. After a most inordinate quantity of eloquence expended upon the present discussion, the hon. Member for Mayo appeared to have a most unappeasable appetite for more. The opinions of the people of England had already been declared upon this subject, and he warned the minority in that House not to trifle with those opinions, by straining their privileges to an unjustifiable extent.

MR. F. SCULLY said, that the hon. Baronet who had last spoken had endeavoured to bully the House, by preventing a minority from exercising what was an undoubted constitutional privilege. He should avail himself of every means which the Constitution allowed to prevent the passing of this measure, and he did so, not from a factious motive, but from a conscientious conviction that the measure was mischievous in its principle, that it would be dangerous in its operation, and insulting to a large body of Her Majesty's subjects. The Irish Members, who represented Roman Catholic constituencies, had not had an opportunity to discuss this question, and in order to meet their wishes, he begged to suggest that the hon. Gentleman the Member for Mayo should withdraw his Motion, and allow a division to be taken on the main question, provided the hon. and learned Member for Hertford would not press for the nomination of the Committee that night, so as to allow another opportunity for ampler discussion.

THE CHANCELLOR OF THE EXCHEQUER said, if he understood the hon. Member for Tipperary right, he confessed he thought he had made a fair proposal. The hon. Member for Tipperary said that he was willing to take the vote upon the question before the House to-night, provided the hon. and learned Member for Hertford would consent not to press the nomination of his Committee. As there appeared to be good deal of difference of opinion upon this question, as well as in reference to the names of those that were to be placed upon the Committee, he did not think it an unfair demand of the hon. Gentleman that the hon. and learned Member for Hertford should not press the nomination of his Committee to-night. But, on the other hand, he thought that it was not too much that the House should be permitted to vote to-night upon the main question. He did not wish to avoid the revival of this debate. He had voted against this inquiry because he could not see his way to any beneficial result that would be at all commensurate with the difficulties and heart-burnings which it was likely to occasion. He was ready also to vote to-night for the discharging of the Order for the Committee. The question before them now, however, was, whether the House should be adjourned or not. He would be opposed even to a Motion for the adjournment of the debate. It was extremely unusual to go on debating night after night a question of this importance upon a Motion for rescinding the Order for the appointment of a Committee—an Order which, if once made, was very rarely called in question. Under those circumstances he trusted that hon. Members would not persevere in those Motions for adjournment, which would gain nothing for them with the enlightened and intelligent people of this country. Although he was ready to admit that, influenced by such feelings as those hon. Members appeared to be, those Motions were susceptible of natural explanations. Such Motions, however, bore a somewhat disadvantageous character in the eyes of the public, inasmuch as they were looked upon as Motions brought forward more for obstruction than for discussion. As the opinion of the Government had been sufficiently declared by the noble Lord the Member for London, and as the hon. and learned Member for Hertford had stated that it was not his intention to press for the nomination of the Committee, he trusted that a division might now be taken on the main question.

Mr. G. H. MOORE said, he must disclaim all intention to obstruct, but he must also deny that this question had been sufficiently discussed. To Irish Members this subject was of so much importance that he trusted, at all events, the House would devote as much discussion to it as was expended on minor topics.

Sir THOMAS ACLAND said, that at an early period of the evening, when the House was very thin, hon. Members who were against the appointment of the Committee were anxious for a division, and seemed very much inclined to prevent any one else from addressing the House. He thought the proposition of the right hon. Chancellor of the Exchequer perfectly fair, particularly as further discussion might take place on a future occasion.

Viscount GODERICH said, that on the last division he voted for the adjournment; but he thought the proposition of the Chancellor of the Exchequer so perfectly fair that he should on the present occasion vote against the Amendment of the hon. Member for Mayo.

Mr. T. CHAMBERS said, he thought the proposition of the Chancellor of the Exchequer exceedingly fair. He only wished to take the sense of the House on the main question, and was quite willing to postpone the nomination of the Committee to a future occasion.

Mr. V. SCULLY said, the hon. Baronet opposite (Sir J. Walsh) was not aware of the extreme importance of this Motion to Ireland. There was a great degree of suppressed feeling in Ireland on the subject. They could not believe that the House of Commons was in earnest on the subject. He believed he represented one of the largest Catholic constituencies; he was personally interested, besides, having aunts, and sisters, and daughters in convents, and he therefore wished to address the House on the subject. He should be sorry to inflict on the House, at that late hour, such a speech as he was obliged to do on a former occasion, when the right hon. Member for Buckinghamshire (Mr. Disraeli) intimated that he felt a disposition to go home to bed. If he (Mr. Scully) were to enter into the subject at that late hour, the House might possibly lose the benefit of the right hon. Member's speech. For himself he should be glad to hear the speech of the right hon. Member, in order to ascertain that he voted in accordance with his sentiments. He did not exactly understand the proposition of the Chancellor of the Exchequer, and he asked if he should be in order in moving that the Committee be appointed that day six months, and if he lost that, he should move that it be appointed that day five months; and if he lost that, he should move that it be appointed that day four months.

MR. BROTHERTON said, he would remind hon. Gentlemen that voting for the adjournment of the House would virtually get rid of the Amendment. Then the hon. and learned Member for Hertford (Mr. T. Chambers) would propose his Committee on a future day, and all would be obtained without going through two or three divisions.

Question put.

The House *divided:*—Ayes 59; Noes 223: Majority 164.

MR. F. SCULLY said, he wished to explain, before the original question was put, that in the remarks which he had made previously to the division, he had no intention of expressing an opinion in favour of the Motion of the hon. and learned Member for Hertford. His meaning was, that it was inexpedient to press for an adjournment of the House, because there must necessarily be several other opportunities of discussing the whole subject. So opposed was he, in fact, to the Motion of the hon. and learned Member for Hertford that it was his intention, when the subject came on again, to move that the Committee be nominated that day six months.

Question again proposed, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 177; Noes 120: Majority 57.

Main Question again proposed:—Debate arising.

Motion made, and Question proposed, "That the Debate be adjourned till this day."

Amendment proposed, at the end of the Question to add the words "six months."

Question proposed, "That 'six months' be there added."

Amendment and Motion, by leave, *withdrawn.*

Debate *adjourned* till *Thursday.*

JUDGMENT EXECUTION, ETC. BILL.

Order for Second Reading read.

MR. CRAUFURD moved the second reading of this Bill.

THE LORD ADVOCATE said, that, while he cordially approved of the first part of the Bill, by which judgments issued in England, Scotland, or Ireland were made available in all the three kingdoms, he had doubts of the policy of agreeing to another part of the Bill, which gave to the courts of any of the three kingdoms jurisdiction over parties not within that kingdom. The principle on which these clauses had been framed was at variance with any principle of jurisprudence with which he was acquainted, and might, in his opinion, land the judicatures of the three kingdoms in inextricable confusion. As, however, the hon. and learned Gentleman who had introduced the Bill intended to refer it to a Select Committee, he should not oppose the second reading.

MR. CRAUFURD said, that he trusted that he should be able to convince the Select Committee to whom this Bill would be referred that the principle on which the clauses alluded to were founded was a sound one, and one which had already been recognised in our legislation.

MR. WHITESIDE said, he was disposed to agree with the Lord Advocate, and to think a portion of the Bill required consideration.

Bill read 2°, and *committed* to a Select Committee.

The House adjourned at a quarter after One o'clock.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXXXI.

BEING THE SECOND VOLUME OF SESSION 1854.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

ABERDEEN, Earl of (First Lord of the Treasury)
- Burial-Grounds Acts—Metropolitan Interments, 1346
- Foreign Office, Alleged Betrayal of Trust at, 762, 879
- Humiliation and Prayer, Day of, 1269
- Militia, The Irish, 2
- Militia, The Scotch, 171
- Navy List, The, 194
- Navy, Manning the, 518, 1061, 1063
- Parliamentary Reform, Postponement of the Government Measures, 265; Returns moved for, 525
- Paupers, Irish, Removal of, 190, 194
- Russia, Correspondence of the English Government with, 630, 634, 636, 637
- Settlement and Removal, 1341

Absconding Debtors (Ireland) Bill,
- *c.* 2R. 508; Amend. (Mr. Brady) 509; Amend. withdrawn, 512

ACLAND, Sir T. D., *Devonshire, N.*
- Conventual and Monastic Institutions, Com., 1464

ADDERLEY, Mr. C. B., *Staffordshire, N.*
- Juvenile Criminals, 781

Administration of Justice (Ireland),
- *l.* Papers moved for (Earl of Clancarty), 1387; Motion withdrawn, 1397.

ADVOCATE, The LORD (Rt. Hon. F. Moncreiff), *Leith, &c.*
- Judgment Execution, &c., Leave, 584; 2R. 1466

AGLIONBY, Mr. H. A., *Cockermouth*
- Settlement and Removal, 2R. 1317
- Simony Law Amendment, 2R. 1206

Agricultural Statistics,
- *c.* Question (Mr. Palk), 1238

ALCOCK, Mr. T., *Surrey, E.*
- Church Building Acts Continuance, Com. *cl.* 1, 1384
- Wandle Sewerage and Water, 2R. 671

Arbitration Law Amendment Bill,
- *l.* 1R.* 991

ARGYLL, Duke of (Lord Privy Seal)
- Civil Service—Papers moved for, 668
- Common Law Procedure (1854), Second, 2R. 1264

Army,
- *Estimates, c.* 330
- *Military Asylum at Chelsea, c.* Question (Mr. Oliveira), 1271
- *Military Service and Expenditure, c.* Motion, (Mr. Hume) 223; Motion withdrawn, 260
- *Militia, The, l.* Returns moved for (Earl of Ellenborough), 175

[*cont.*

Army—continued.
Militia, The Irish, l. Question (Earl of Wicklow), 1
Militia, The Scotch, l. Question (Duke of Montrose), 171
Militia Officers, c. Question (Mr. R. M. Milnes), 1272
Religious Wants of Catholic Soldiers, c. Observations (Mr. Lucas), 314

Attorney General, The (Sir A. E. Cockburn), *Southampton*
Bribery, Prevention of (Canterbury, &c), Leave, 1017, 1043, 1044, 1052
Declarations, Leave, 791, 793
Gaming-Houses, Leave, 1239
Inns of Court—Legal Education, Address moved, 160
Judgment Execution, &c., Leave, 585
Mortmain Amendment, Leave, 870
New Writs, Postponement of, 587
Property Disposal, Leave, 814
Public Prosecutors, 2R. 587
Simony Law Amendment, 2R. 1202
Sligo Election, 1387
Stonor, Mr., Appointment of, 976

Australia, Postal Arrangements with,
c. Question (Viscount Jocelyn), 695

Baines, Rt. Hon. M. T., (Chief Commissioner of the Poor Laws) *Leeds*
Settlement and Removal, 2R. 1275, 1357, 1359

Ball, Mr. E., *Cambridgeshire*
Budget, The—Financial Statement, 388
Greek Insurrection in Turkey, 739

Ball, Mr. J., *Carlow*
Conventual and Monastic Institutions, Com. moved for, 85
Settlement and Removal, 2R. 1354
Valuation (Ireland), Com. *cl.* 1, 444

Baltic Fleet, Letters to Officers of the,
l. Question (Earl Grey), 993
c. Question (Col. Herbert), 1069

Baltic Trade,
c. Question (Viscount Jocelyn), 695

Bankruptcy (Ireland) Bill,
c. Leave, 1078 ; 1R.* 1177

Bankruptcy and Insolvency (Scotland), Bill,
l. 1R. 588

Baring, Rt. Hon. Sir F. T., *Portsmouth*
Budget, The—Financial Statement, 407, 408
Income Tax, Res. 1113
Ordnance Estimates, 145

Baring, Mr. T., *Huntingdon*
Neutrals, Rights of, 970

Barnstaple Bribery Prevention,
c. Leave, 1059

Barrow, Mr. W. H., *Nottinghamshire, S.*
Wages, Payment of (Hosiery), 2R. 1228

Bass, Mr. M. T., *Derby*
Wages, Payment of (Hosiery), 2R. 1228

Beaumont, Lord
Militia, The, Returns moved for, 185
Sanitary Measures, Address moved, 547

Bellew, Mr. T. A., *Galway Co.*
Conventual and Monastic Institutions, Com. 1428
Ordnance Estimates, 147
Spirits for the Use of the Navy, 312

Benefices Augmentation Bill,
l. 1R.* 846

Bentinck, Mr. J. W. P., *Norfolk, W.*
Conventual and Monastic Institutions, Com. 1461
Emigrant Ships, Com. moved for, 222

Berkeley, Mr. C. L. G., *Evesham*
Small Arms, Com. moved for, 170

Bethell, Sir R., *see* Solicitor General, The

Bills of Exchange Bill,
l. 1R. 618

Bills of Sale, Registration of, Bill,
l. 1R.* 260 ; 2R.* 991 ;
Com. 1235 ; 3R.* 1251
c. 1R.* 1349

Blackett, Mr. J. F. B., *Newcastle-on-Tyne*
Oxford University, Leave, 911

Blair, Col. J. H., *Ayrshire*
Commissariat, Frauds on the, 1070
Conventual and Monastic Institutions, Com. 1435
Wages, Payment of, 2R. 843

Bland, Mr. L. H., *King's Co.*
Conventual and Monastic Institutions, Com. 1459

Blandford, Marquess of, *Woodstock*
Church Building Acts Continuance, Com. 1382

Boldero, Col. H. G., *Chippenham*
Ordnance Estimates, 146

Book of Common Prayer,
c. Address moved (Mr. Heywood), 783, [A. 132, N. 83, M. 49] 787

Booker, Mr. T. W., *Herefordshire*
Wages, Payment of, 2R. 826

Bouverie, Hon. E. P. (Chairman of Committees), *Kilmarnock, &c.*
- Canada, New Brunswick, &c., Railway, 2R. Amend. 1068
- Church Building Acts Continuance, 2R. 241
- Drainage, Great London, 2R. 198
- Ministers' Money, &c. (Ireland), Com. *cl.* 2, 1373
- South Sea Company, Rep. 1351
- Succession to Real Estate, 2R. 294
- Thames Improvement, 2R. Amend. 548, 550
- Wages, Payment of, 2R. 837, 838
- Wages, Payment of (Hosiery), 2R. 1226

Bowyer, Mr. G., *Dundalk*
- Conventual and Monastic Institutions, Com. Amend. 1411
- Fireworks, Sale of, 782
- Inns of Court—Legal Education, Address moved, 166
- Mortmain Amendment, Leave, 871
- Property Disposal, Leave, 808
- Stonor, Mr., Appointment of, 693, 695, 977, 981

Brady, Mr. J., *Leitrim*
- Absconding Debtors (Ireland), 2R. Amend. 508, 512
- Medical Practitioners (No. 2), 2R. 1250

Bribery, &c., at Elections Bill,
- *c.* 2R.* 1349

Bribery Prevention Bill,
- *c.* 2R.* 1349

Bright, Mr. J., *Manchester*
- Ministers' Money, &c. (Ireland), Leave, 616
- Napier, Sir C., Dinner to, 675
- Neutrals, Rights of, 971
- Russia and the Porte, Petition, 673
- Succession to Real Estate, 2R. 469, 471, 476, 493, 494
- Wages, Payment of, 2R. 829, 830, 838
- Wandle Sewerage and Water, 2R. 672
- Water Supply to the Metropolis, 780, 781, 858

Brotherton, Mr. J., *Salford*
- Canada, New Brunswick, &c., Railway, 2R. 1068, 1069
- Conventual and Monastic Institutions, Com. 1465
- Newspaper Stamps, Return moved for, Adj. moved, 137
- Thames Improvement, 2R. 548

Brougham, Lord
- Bankruptcy and Insolvency (Scotland), 1R. 588
- Bills of Exchange, 1R. 618, 621
- Bills of Sale, Registration of, Com. 1235
- Chancery, Court of, Returns moved for, 1253
- Civil Service, Papers moved for, 662
- Coasting Trade, 2R. 855
- Commissariat, Frauds on the, 1066, 1229
- Common Law Procedure (1854), Second, 2R. 1262, 1265
- County Court Extension Act Explanation, 3R. 171, 175
- County Courts, Fees in, Returns moved for, 589
- Criminal Law Amendment, 346
- Criminal Prosecutions, 846, 847
- Testamentary Jurisdiction, 2R. 768, 778, 780; Petition, 991, 993

Brown, Mr. W., *Lancashire, S.*
- Budget, The—Financial Statement, 398

Bruce, Mr. H. A., *Merthyr Tydvil*
- Wages, Payment of, 2R. 826, 830

Buck, Mr. L. W., *Devonshire, N.*
- Settlement and Removal, 2R. 1308

Budget, The—Financial Statement,
- *c.* 357

Burial-Grounds, Private,
- *c.* Question (Mr. A. Pellatt), 275

Burial-Grounds Act—Metropolitan Interments,
- *l.* Observations (Bishop of London), 1341
- *c.* Address moved (Col. Harcourt), 450

Butt, Mr. G. M., *Weymouth*
- Simony Law Amendment, 2R. Amend. 1187, 1193

Butt, Mr. I., *Youghall*
- Fisheries (Ireland), 2R. Amend. 844
- Stonor, Mr., Appointment of, 983

Cairns, Mr. H. M., *Belfast*
- Bankruptcy (Ireland), Leave, 1078
- Bribery, Prevention of (Canterbury, &c.), Leave, 1031

Cambridge Bribery Prevention,
- *c.* Leave, 1059

Campbell, Lord
- Bills of Sale, Registration of, Com. 1235, 1236
- Chancery, Court of, Returns moved for, 1255
- Commissariat, Frauds on the, 1229
- Common Law Procedure (1854), Second, 2R. 1259, 1262
- County Court Extension Act Explanation, 3R. 175
- Landlord and Tenant (Ireland), 2R. 28
- Valuation (Ireland), Com. *cl.* 2, 1238

Canada, New Brunswick, and Nova Scotia Railway Bill,
- *c.* 2R. Amend. (Hon. E. P. Bouverie), 1068

Canning, Viscount (Postmaster-General)
- Baltic Fleet, Letters to Officers in the, 994
- Postal Communication between London and the North, 757

Canterbury Bribery Prevention,
- *c.* Leave, 1017, [A. 189, N. 118, M. 71] 1057

Cardwell, Rt. Hon. E. (President of the Board of Trade), *Oxford, City*
- Agricultural Statistics, 1239
- Carlisle Canonries, Leave, 1077
- Coasting Trade, 3R. 464
- Emigrant Ships, Com. moved for, 219
- South Sea Company, Rep. 1350, 1352

Carlisle Canonries Bill,
- *c.* Leave, 1076; 1R.* 1177

Cayley, Mr. E. S., *Yorkshire, N. R.*
Income Tax, Res. 1104

Chambers, Mr. M., *Greenwich*
Absconding Debtors (Ireland), 2R. 511

Chambers, Mr. T., *Hertford*
Carlisle Canonries, Leave, 1077
Colonial Clergy Disabilities, 2R. 1008
Conventual and Monastic Institutions, Com. moved for, 53, 126, 132, 1435, 1464

Chancellor, The Lord (Rt. Hon. Lord Cranworth)
Administration of Justice (Ireland), Papers moved for, 1393, 1397
Bills of Exchange, 1R. 620
Chancery, Court of, Returns moved for, 1256
Common Law Procedure (1854), Second, 2R. 1257, 1266
Criminal Prosecutions, 846, 847
Landlord and Tenant (Ireland), 2R. 49
Statute Law Consolidation Commission (Mr. Bellenden Ker), 261
Testamentary Jurisdiction, 2R. 764, 778

Chancellor of the Exchequer (Rt. Hon. W. E. Gladstone), *Oxford University*
Australia, Postal Arrangements with, 696
Book of Common Prayer, Address moved, 786
Budget, The—Financial Statement, 357, 359, 388, 399, 408, 421, 423, 434, 435, 436, 440
Communication between London and Dublin, Address moved, 1401, 1404
Conventual and Monastic Institutions, Com. 1462
Exchequer Bills, Res. 513, 517 ; 2R. 617, 618
Income Tax, Res. 752, 756, 986, 987, 989, 1161, 1177
Newspaper Stamps, Return moved for, 138, 141 ;—Prosecutions, 704
Ordnance Survey (Scotland), 201, 203
Oxford University, Leave, 943
Testamentary Jurisdiction, 993

Chancery, Court of,
l. Returns moved for (Lord St. Leonards), 1251

Cheetham, Mr. J., *Lancashire, S.*
Wages, Payment of, 2R. 843

Chimney Sweepers' Bill,
l. 1R.* 1387

Christianity in the East,
l. Address moved (Earl of Shaftesbury), 591

Christopher, Rt. Hon. R. A., *Lincolnshire, N.*
Settlement and Removal, 2R. 1295

Church Building Acts Amendment Bill,
l. 1R.* 1229

Church Building Acts Continuance Bill,
c. 1R.* 51
2R. Amend. (Mr. Hadfield), 441, [*o. q.* A. 70, N. 59, M. 11] 443 ;
Com. 1381 ;
cl. 1, 1383, [A. 153, N. 49, M. 104] 1386

Church-Yards, &c. (Metropolis),
c. Address moved (Col. Harcourt), 450

Civil Service,
l. Papers moved for (Lord Monteagle), 640 ;—Opinion of Sir James Stephen, 764

Clancarty, Earl of
Administration of Justice (Ireland), Papers moved for, 1387, 1397

Clanricarde, Marquess of
Civil Service, Papers moved for, 666
Neutrals, Rights of, Address moved, 885
Russia, Correspondence of the English Government with, 634

Clarendon, Earl of (Secretary of State for Foreign Affairs)
Christianity in the East, 604
Neutrals, Rights of, Address moved, 888
Russia, War with—Message from the Queen, 1338

Clay, Sir W., *Tower Hamlets*
Wages, Payment of (Hosiery), 2R. Amend. 1217

Coasting Trade Bill,
c. 2R.* 195 ;
3R. 462
l. 1R.* 515 ;
2R. 847 ; Rep.* 875 ; 3R.* 991
Royal Assent, 1229

Cobbett, Mr. J. M., *Oldham*
Wages, Payment of (Hosiery), 2R. 1227

Cobden, Mr. R., *Yorkshire, W. R.*
Napier, Sir C., Dinner to, 680, 686

Cockburn, Sir A. J. E., *see* Attorney General, The

Cogan, Mr. W. H. F., *Kildare Co.*
Conventual and Monastic Institutions, Com. Adj. moved, 1460

Colchester, Lord
Coasting Trade, 2R. 852

Colonial Clergy Disabilities Bill,
c. 2R. 998 ; Amend. (Mr. Hadfield), 999, [*o. q.* A. 196, N. 62, M. 134] 1017

Coloured Subjects of Great Britain in the United States,
c. Question (Hon. A. Kinnaird), 995

Commissariat, Frauds on the—Contract for Hay,
l. Observations (Earl of Ellenborough), 1063, 1229
c. Question (Col. Blair), 1070

Common Law Procedure (1854), *Second, Bill,*
l. 2R. 1257

Commons Inclosure Bill,
c. 1R.* 51 ; 2R.* 275 ; Rep.* 356 ; 3R.* 467
l. 1R.* 515 ; 2R.* 846 ; 3R.* 1060

Consolidated Fund (8,000,000*l.*) *Bill,*
c. 1R.* 51 ; 2R.* 275 ; 3R.* 548
l. 1R.* 588 ; 2R.* 618 ; Rep.* 757 ; 3R.* 846
Royal Assent, 1229

Controverted Elections Bill,
c. 2R. 1372

Conventual and Monastic Institutions,
c. Com. moved for (Mr. T. Chambers) 53, [A. 186, N. 119, M. 67] 133 ; Observations (Mr. Lucas) 141 ; Com. Amend. (Mr. Bowyer), 1411 ; Adj. moved (Mr. Grogan), [A. 91, N. 233, M. 142] 1461 ; Adj. moved (Mr. G. H. Moore), 1462, [A. 59, N. 223, M. 164] 1465 ; [*o. q.* A. 177, N. 120, M. 57] 1465

County Courts Extension Act Explanation Bill,
l. Rep.* 1 ;
3R. 171
c. 1R.* 548

County Courts, Fees in,
l. Returns moved for (Lord Brougham), 589

County Rate Expenditure,
c. Question (Rt. Hon. T. M. Gibson), 856

COWAN, Mr. C., *Edinburgh*
Conventual and Monastic Institutions, Com. moved for, 111
Judgment Execution, &c., Leave, 583, 584
Ministers' Money, &c. (Ireland), 582
Postal Communication between London and Scotland, Com. moved for, 455

COWPER, Hon. W. F. (Lord of the Admiralty), *Hertford*
Communication between Dublin and London, Address moved, 1407

CRANWORTH, Lord, *see* CHANCELLOR, The LORD

CRAUFURD, Mr. E. H. J., *Ayr, &c.*
Inns of Court—Legal Education, Address moved, 168
Judgment Execution, &c., Leave, 583 ; 2R. 1466
Newspaper Stamps, Return moved for, 135, 136
Spirits for the Use of the Navy, 313
Wages, Payment of, 2R. Amend. 819
Wages, Payment of (Hosiery), Leave, 169

Criminal Law Amendment,
l. Question (Lord St. Leonards), 331

Criminal Prosecutions,
l. Petitions (Lord Brougham), 846

CROSSLEY, Mr. F., *Halifax*
Conventual and Monastic Institutions, Com. 1429
Ministers' Money, &c. (Ireland), 576

DAVISON, Mr. R., *Belfast*
Absconding Debtors, 2R. 508, 512

Declarations Bill,
c. Leave, 787, [A. 109, N. 108, M. 1] 794 ; 1R.* 818

Declaratory Suits Bill,
l. 1R.* 991

DENISON, Mr. J. E., *Malton*
Settlement and Removal, 2R. 1368

DERBY, Earl of
Coasting Trade, 2R. 852, 853
Commissariat, Frauds on the, 1066
Foreign Office, Alleged Betrayal of Trust at the, 880
Parliamentary Reform—Postponement of the Government Measures, 262
Paupers, Irish, Removal of, 192, 193
Russia, Correspondence of the English Government with, 621, 637
Russia, War with—Message from the Queen, 1338
Settlement and Removal, 1339

DERING, Sir E. C., *Kent, E.*
Parliamentary Reform—Postponement of the Government Measures, 283

DESART, Earl of
Landlord and Tenant (Ireland), 2R. 35

DISRAELI, Rt. Hon. B., *Buckinghamshire*
Budget, The—Financial Statement, 359, 408, 423, 432, 433, 435
Church Building Acts Continuance, 2R. 442
Income Tax, Res. 752, 753, 989, 990, 1124
Napier, Sir C., Dinner to, 683
Newspaper Stamps, Return moved for, 137
New Writs, Postponement of, 587
Parliamentary Reform—Postponement of the Government Measures, 295, 308
Public Business, 449
Russia, Confidential Communications with England, 700, 702
Settlement and Removal, 2R. 1331
Succession to Real Estates, 2R. 501
Ways and Means—Issue of Exchequer Bills, 515

DIVETT, Mr. E., *Exeter*
Stonor, Mr., Appointment of, 692

DONOUGHMORE, Earl of
Administration of Justice (Ireland), Papers moved for, 1396
Landlord and Tenant (Ireland), 2R. 2 ; Com. 272
Paupers, Irish, Removal of, 188
Testamentary Jurisdiction, 2R. 777
Valuation (Ireland), Com. *cl.* 1, 1236

Drainage, Great London, Bill,
c. 2R. 195 ; Amend. (Mr. W. Williams), 196

Drummond, Mr. H., *Surrey, W.*
- Budget, The—Financial Statement, 439
- Conventual and Monastic Institutions, Com. 1425
- Drainage, Great London, 2R. 196
- Greek Insurrection in Turkey, 750
- Settlement and Removal, 2R. 1290
- Succession to Real Estate, 2R. 491
- Wages, Payment of, 2R. 822

Dublin and London, Communication with,
c. Address moved (Mr. H. Herbert), 1397, [A. 152, N. 208, M. 56] 1410

Dublin Carriage Bill,
c. Leave, 1059 ; 1R.* 1060

Dublin Port Bill,
c. Leave, 1060 ; 1R.* *ib.*

Dufferin, Lord
- Landlord and Tenant (Ireland), 2R. 36

Duncombe, Mr. T. S., *Finsbury*
- Burial-Grounds, Private, 276
- Frost, Williams, and Jones, Pardon of, 448, 449
- Settlement and Removal, 2R. 1274
- Wages, Payment of, 2R. 822
- Wages, Payment of (Hosiery), 2R. 1223

Dunlop, Mr. A. M., *Greenock*
- Conventual and Monastic Institutions, Com. 1455

Dunne, Lieut.-Col. F. P., *Portarlington*
- Army Estimates, 330
- Budget, The—Financial Statement, 440
- Communication between London and Dublin, Address moved, 1409
- Grand Jury Laws (Ireland), Nomination of Com. 1248
- Medical Practitioners (No. 2), 2R. 1251
- Military Knights of Windsor, Address moved, 1075
- Ordnance Estimates, 143, 144, 145, 146
- Ordnance Survey (Scotland), 203
- Settlement and Removal, 2R. 1315, 1336, 1367
- Spirits for the Use of the Navy, 310, 312

Education (Scotland) Bill,
c. 1R.* 275

Egerton, Mr. W. T., *Cheshire, N.*
- County Rate Expenditure, 856

Eglinton, Earl of
- Administration of Justice (Ireland), Papers moved for, 1396
- Landlord and Tenant (Ireland), Com 272

Elections, Bribery at, Bill,
c. 2R.* 1349

Elections, Controverted, Bill,
c. 2R. 1372

Ellenborough, Earl of
- Christianity in the East, Address moved, 612
- Commissariat, Frauds on the, 1063, 1065, 1067, 1229
- Militia, The, Returns moved for, 175, 182, 185
- Navy, Manning the, 515, 519, 1060, 1061, 1063, 1230
- Russia, Correspondence of the English Government with, 633, 634, 639
- Tyne Harbour of Refuge, 1230

Ellesmere, Earl of
- Juvenile Criminals, 272

Ellice, Rt. Hon. E., *Coventry*
- Military Service and Expenditure, 255
- Ordnance Estimates, 147

Emigrant Ships,
c. Com. moved for (Mr. J. O'Connell), 203

Esmonde, Mr. J., *Waterford Co.*
- Conventual and Monastic Institutions, Com. 1417

Evelyn, Mr. W. J., *Surrey, W.*
- Vestries, 2R. 1206, 1211

Exchequer, Chancellor of the, *see* Chancellor of the Exchequer

Exchequer Bills (1,750,000*l.*) *Bill,*
c. Leave, 513 ; 1R.* 548 ; 2R. 617 ; 3R.* 818
l. 1R.* 846 ; 2R.* 875 ; Rep.* 991 ; 3R.* 1060
Royal Assent, 1229

Fagan, Mr. W. T., *Cork, City*
- Conventual and Monastic Institutions, Com. moved for, 96
- Emigrant Ships, Com. moved for, 222
- Ministers' Money, &c. (Ireland), 552 ; Leave, Amend. 615 ; Com. *cl.* 2, Amend. 1373, 1376 ; *cl.* 3, Amend. 1379

Ferguson, Mr. J., *Carlisle*
- Carlisle Canonries, Leave, 1076

Feversham, Lord
- Testamentary Jurisdiction, 2R. 773

Filmer, Sir E., *Kent, W.*
- Stonor, Mr., Appointment of, 693

Financial Statement—the Budget,
c. 357

Fireworks, Sale of,
c. Question (Mr. Bowyer), 782

Fisheries (Ireland) Bill,
c. 2R. 844 ; Amend. (Mr. I. Butt), 845

FitzGerald, Mr. J. D., *Ennis*
- Absconding Debtors (Ireland), 2R. 511
- Conventual and Monastic Institutions, Com. moved for, 123, 126, 1456
- Ministers' Money, &c. (Ireland), 580
- Valuation (Ireland), Com. *cl.* 1, 445 ; *cl.* 3, Amend. *ib.*

FitzRoy, Hon. H. (Under Secretary for the Home Department), *Lewes*
- Church Building Acts Continuance, 2R. 442, 443
- Kingston-upon-Hull Borough, Address moved, 586
- Medical Practitioners (No. 2), 2R. 1251
- Military Knights of Windsor, Address moved, 1071, 1073
- Sewers, Metropolitan, 1270
- Vestries, 2R. Amend. 1208
- Wages, Payment of (Hosiery), Leave, 169, 170 ; 2R. 1224

FitzWilliam, Earl
- Christianity in the East, Address moved, 613
- Paupers, Irish, Removal of, 191
- Russia, Correspondence of the English Government with, 639

Follett, Mr. B. S., *Bridgwater*
- South Sea Company, Rep. Amend. 1349

Foreign Office, Alleged Betrayal of Trust at,
- *l.* Observations (Earl of Malmesbury), 759 ; Motion, 875

Forster, Mr. C., *Walsall*
- Wages, Payment of, 2R. 833, 843

Fortescue, Mr. C. S., *Louth*
- Conventual and Monastic Institutions, Com. 1432

Fox, Mr. R. M., *Longford*
- Communication between London and Dublin, Address moved, 1409

French, Mr. F., *Roscommon, Co.*
- Communication between London and Dublin, Address moved, 1406
- Government Prisons (Ireland), 467
- Grand Jury Laws (Ireland), Nomination of Com. Amend. 1246
- Income Tax, Res. 1084
- Inns of Court — Legal Education, Address moved, 160
- Ministers Money, &c. (Ireland), Com. *cl.* 3, 1377
- Napier, Sir C., Dinner to, 674
- Spirits for the Use of the Navy, 310
- Stonor, Mr., Appointment of, 975, 976

Frewen, Mr. C. H., *Sussex, E.*
- Postal Communication between London and Scotland, Com. moved for, 459

Frost, Williams, and Jones, Pardon of,
- *c.* Question (Mr. T. Duncombe), 448

Gaming-Houses,
- *c.* Leave, 1239

Gardner, Mr. R., *Leicester*
- Wages, Payment of (Hosiery), 2R. 1228

Geach, Mr. C., *Coventry*
- Income Tax, Res. 1123

George, Mr. J., *Wexford Co.*
- Communication between London and Dublin, Address moved, 1410

Gibson, Rt. Hon. T. M., *Manchester*
- County Rate Expenditure, 856
- Greek Insurrection in Turkey, 744, 752
- Neutrals, Rights of, 698, 955
- Newspaper Stamps, Return moved for, 141

Gladstone, Rt. Hon. W. E., *see* Chancellor of the Exchequer

Glyn, Mr. G. C., *Kendal*
- Budget, The—Financial Statement, 394

Goderich, Viscount, *Huddersfield*
- Conventual and Monastic Institutions, Com. 1464
- Simony Law Amendment, 2R. 1198

Goold, Mr. W., *Limerick, Co.*
- Conventual and Monastic Institutions, Com. 1460

Goulburn, Rt. Hon. H., *Cambridge University*
- Book of Common Prayer, Address moved, 785, 786

Graham, Rt. Hon. Sir J. R. G. (First Lord of the Admiralty), *Carlisle*
- Baltic Fleet, Postage to the, 1069
- Commissariat, Frauds on the, 1070, 1071
- Napier, Sir C., Dinner to, 674, 682
- Religious Wants of Catholic Soldiers and Sailors, 328
- Salvage by H.M. Ships, 276
- Settlement and Removal, 2R. 1331, 1336
- Spirits for the Use of the Navy, 310

Grammar Schools, Endowed,
- *c.* Address moved (Mr. A. Pellatt), 872 ; Motion withdrawn, 875

Granby, Marquess of, *Leicestershire, N.*
- Settlement and Removal, 2R. 1366

Granville, Earl (President of the Council)
- Civil Service, Papers Moved for, 655, 669 ;— Opinion of Sir James Stephen, 764
- Sanitary Measures, Address moved, 546

Greek Insurrection in Turkey,
- *c.* Observations (Mr. M. Milnes), 704

Greene, Mr. T., *Lancaster*
- South Sea Company, Rep. 1350

Grenfell, Mr. C. W., *Windsor*
- Military Knights of Windsor, Address moved, 1071, 1076

GREY, Earl
Baltic Fleet, Letters to Officers of the, 993, 994
Burial-Grounds Act—Metropolitan Interments, 1347
Christianity in the East, Address moved, 610
Coasting Trade, 2R. 853
Parliamentary Reform, Returns moved for, 519, 526
Postal Communication between London and the North, 757
Russia, Correspondence of the English Government with, 638
Russia, War with—Message from the Queen, 1339

GREY, Rt. Hon. Sir G., *Morpeth*
Colonial Clergy Disabilities, 2R. 1005
Grammar Schools, Endowed, Address moved, 875
Income Tax, Res. 990
Military Knights of Windsor, Address Moved, 1075
Parliamentary Reform—Postponement of the Government measures, 293
Settlement and Removal, 2R. 1326, 1335, 1366
Simony Law Amendment, 2R. 1196
South Sea Company, Rep. 1350
Wages, Payment of, 2R. 840
Wandle Sewerage and Water, 2R. 672

GROGAN, Mr. E., *Dublin, City*
Dublin Port, Leave, 1059
Valuation (Ireland), Com. *cl.* 1, 444

Guild of Literature and Art Bill, *c.* 2R.* 669

HADFIELD, Mr. G., *Sheffield*
Church Building Acts Continuance, 2R. Amend. 441; Com. 1381; *cl.* 1, 1383
Church-Yards, &c. (Metropolis), Address moved, 453
Colonial Clergy Disabilities, 2R. Amend. 998
Declarations, Leave, 789
Inns of Court — Legal Education, Address moved, 167
Medical Practitioners (No. 2), 2R. 1251
Ministers' Money, &c. (Ireland), 569; Leave, 617; Com. *cl.* 2, Amend. 1374; *cl.* 3, 1378, 1380
Mortmain Amendment, Leave, 870
Wandle Sewerage and Water, 2R. 670

HALFORD, Sir H., *Leicestershire, S.*
Wages, Payment of (Hosiery), Leave, 169; 2R. 1211, 1226

HALL, Sir B., *Marylebone*
Church-Yards, &c. (Metropolis), Address moved, 453
Drainage, Great London, 2R. 196
Sewers, Metropolitan, 1269, 1270
Wages, Payment of, 2R. 839

HAMILTON, Rt. Hon. Lord C., *Tyrone*
Conventual and Monastic Institutions, Com. moved for, 101
Greek Insurrection in Turkey, 723
Settlement and Removal, 2R. 1332

HAMILTON, Mr. G. A., *Dublin University*
Budget, The—Financial Statement, 399, 436
Grand Jury Laws (Ireland), Nomination of Com. 1246
Valuation (Ireland), Com. 447

HANKEY, Mr. T., *Peterborough*
Income Tax, Res. 1086, 1173

HANMER, Sir J., *Flint, Co.*
Bribery, Prevention of (Canterbury, &c.), Leave, 1033, 1039

HARCOURT, Col. F. V., *Isle of Wight*
Church-Yards, &c. (Metropolis), Address moved, 450

HARDWICKE, Earl of
Militia, The, Returns moved for, 186
Navy List, The, 194

HARROWBY, Earl of
Bills of Sale, Registration of, Com. 1235
Burial-Grounds Act—Metropolitan Interments, 1348
Civil Service, Papers moved for, 665
Sanitary Measures, Address moved, 526, 548
Testamentary Jurisdiction, 2R. 773

HASTIE, Mr. A., *Glasgow*
Postal Communication between London and Scotland, Com. moved for, 460

HEADLAM, Mr. T. E., *Newcastle-on-Tyne*
Mortmain Amendment, Leave, 859

HEATHCOTE, Sir W., *Oxford University*
Oxford University, Leave, 919
Simony Law Amendment, 2R. 1195

HENLEY, Rt. Hon. J. W., *Oxfordshire*
Book of Common Prayer, Address moved, 786
Budget, The—Financial Statement, 392
Church Building Acts Continuance, 2R. 441
Emigrant Ships, Com. moved for, 218, 219
Grammar Schools, Endowed, Address moved, 875
Oxford University, Leave, 935, 939
Succession to Real Estate, 2R. 488

HERBERT, Rt. Hon. S. (Secretary at War), *Wiltshire, S.*
Army Estimates, 330, 331
Church Building Acts Continuance, 2R. 441
Military Asylum at Chelsea, 1271
Military Service Expenditure, 233
Militia Officers, 1272
Napier, Sir C., Dinner to, 681
Religious Wants of Catholic Soldiers and Sailors, 325, 327

HERBERT, Hon. Col. P. E., *Ludlow*
Baltic Fleet, Postage to the, 1069

HERBERT, Mr. H. A., *Kerry*
Communication between London and Dublin, Address moved, 1397, 1404
Settlement and Removal, 2R. 1359

Heywood, Mr. J., *Lancashire, N.*
- Book of Common Prayer, Address moved, 783
- Oxford University, Leave, 933

Heyworth, Mr. L., *Derby*
- Wages, Payment of, 2R. 822

High Treason (Ireland) Bill,
- *c.* Leave, 794; 1R.* 796; 2R.* 1068

Highways (District Surveyors) Bill,
- *c.* 1R.* 780

Highways (South Wales) Bill,
- *c.* 1R.* 51; 2R.* 195; 3R.* 615
- *l.* 1R.* 618; 2R.* 846; Rep.* 1229; 3R.* 1251

Hildyard, Mr. R. C., *Whitehaven*
- Budget, The—Financial Statement, 438
- Settlement and Removal, 2R. 1335
- Simony Law Amendment, 2R. 1205
- Stonor, Mr., Appointment of, 694

Horsfall, Mr. T. B., *Liverpool*
- Neutrals, Rights of, 966

Horsman, Mr. E., *Stroud*
- Church Building Acts Continuance, Com. *cl.* 1, 1381

Hotham, Lord, *Yorkshire, E. R.*
- Postal Communication between London and Scotland, Com. moved for, 460

Howard, Lord E., *Arundel*
- Conventual and Monastic Institutions, Com. moved for, 129

Hudson, Mr. G., *Sunderland*
- Coasting Trade, 3R. 463
- Postal Communication between London and Scotland, Com. moved for, 461

Hume, Mr. J., *Montrose, &c.*
- Budget, The—Financial Statement, 389, 405
- Colonial Clergy Disabilities, 2R. 1004
- Declarations, Leave, 791
- Grammar Schools, Endowed, Address moved, 874
- Income Tax, Res. Amend. 987, 989, 991, 1101
- Kingston-upon-Hull Borough, Address moved, 585
- Military Knights of Windsor, Address moved, 1074
- Military Service and Expenditure, 223, 260
- Ministers' Money, &c. (Ireland), 561; 2R. 997; Com. *cl.* 2, 1374, 1375; *cl.* 3, 1377
- Ordnance Estimates, 143, 144, 145
- Parliamentary Reform, Postponement of the Government Measures, 292
- Small Arms, Com. moved for, 171
- Stonor, Mr., Appointment of, 975
- Wages, Payment of, 2R. 818, 844
- Wages, Payment of (Hosiery), Leave, 169

Humiliation and Prayer, Day of,
- *l.* Question (Lord Clancarty), 1267

Income Tax—Ways and Means,
- *c.* Res. 752, 986; Amend. (Mr. Hume), 987; Amend. withdrawn, 991; Amend. (Sir H. Willoughby), 1080; Amend. neg. 1177

Income Tax Bill,
- *c.* Leave, 1080; 1R.* 1177; 2R. 1249

Ingham, Mr. R., *South Shields*
- Succession to Real Estate, 2R. 486

Inns of Court—Legal Education,
- *c.* Address moved (Rt. Hon. J. Napier), 147

Interments, Metropolitan Burial-Grounds Act,
- *l.* Observations (Bishop of London), 1341
- *c.* Address moved (Col. Harcourt), 450

Ireland,
- *Administration of Justice, l.* Papers moved for (Earl of Clancarty), 1387; Motion withdrawn, 1397
- *Communication between London and Dublin, c.* Address moved (Mr. H. Herbert), 1397, [A. 152, N. 208, M. 56] 1410
- *Government Prisons, c.* Question (Mr. French), 467
- *Grand Jury Laws, c.* Nomination of Com. 1245; Amend. (Mr. French), 1246
- *Militia, The, l.* Question (Earl of Wicklow), 1
- *Ministers' Money, &c. c.* Motion (Mr. Fagan), 552; Amend. (Rt. Hon. Sir J. Young), 569; [*o. q.* A. 88, N. 103, M. 15] 583;—see *Ministers' Money, &c. (Ireland) Bill*
- *Paupers, Removal of, l.* Question (Earl of Donoughmore), 188
- *Sligo Election, c.* Report, 1211; Motion (Mr. K. Seymer), 1386

See
- *Absconding Debtors (Ireland) Bill*
- *Bankruptcy (Ireland) Bill*
- *Dublin Carriage Bill*
- *Dublin Port Bill*
- *High Treason (Ireland) Bill*
- *Landlord and Tenant (Ireland) Bill*
- *Landlord and Tenant, Law of, (Ireland) Bill*
- *Landlord and Tenant, Law of, Consolidation (Ireland) Bill*
- *Leasing Powers (Ireland) Bill*
- *Leasing, Powers of, (Ireland) Bill*
- *Tenants' Compensation (Ireland) Bill*
- *Tenants' Improvements Compensation (Ireland) Bill*
- *Valuation (Ireland) Act Amendment Bill*

Jocelyn, Viscount, *King's Lynn*
- Australia, Postal Arrangements with, 695

Judgment Execution, &c., Bill,
- *c.* Leave, 583; 1R.* 856; 2R. 1466

Juvenile Criminals,
- *l.* Petition (Earl of Ellesmere), 272
- *c.* Question (Mr. Adderley), 781

Kelly, Sir F., *Suffolk, E.*
- Bribery, Prevention of (Canterbury, &c.), Leave, 1054
- Budget, The—Financial Statement, 436
- Income Tax, Leave, 1117; 2R. 1249
- Neutrals, Rights of, 1273, 1274

Kendall, Mr. N., *Cornwall, E.*
  Settlement and Removal, 2R. 1310

Kennedy, Mr. T., *Louth*
  Absconding Debtors (Ireland), 2R. 512
  Bribery, Prevention of (Canterbury, &c.), Leave, 1040
  Conventual and Monastic Institutions, Com. moved for, 100

Keogh, Mr. W., *Athlone*
  Absconding Debtors (Ireland), 2R. 508, 511
  Bankruptcy (Ireland), Leave, 1079

Kershaw, Mr. J., *Stockport*
  Absconding Debtors (Ireland), 2R. 512
  Grammar Schools, Endowed, Address moved, 875

Khiva, Russians at,
  c. Question (Mr. H. G. Liddell), 51

King, Hon. P. J. L., *Surrey, E.*
  Succession to Real Estate, 2R. 483, 504
  Wandle Sewerage and Water, 2R. 672

Kingston-upon-Hull Bribery Commission,
  c. Address moved (Mr. Hume), 585

Kingston-upon-Hull Bribery Prevention,
  c. Leave, 1059

Kinnaird, Hon. A. F., *Perth*
  Colonial Clergy Disabilities, 2R. 1013
  Coloured Subjects of Great Britain in the United States, 995
  Postal Communication between London and Scotland, Com. moved for, 458
  Property Disposal, Leave, 817

Kirk, Mr. W., *Newry*
  Valuation (Ireland) Com. 447

Knight, Mr. F. W., *Worcestershire, W.*
  Settlement and Removal, 2R. 1319

Knox, Colonel B. W., *Marlow*
  Military Service and Expenditure, 257

Labouchere, Rt. Hon. H., *Taunton*
  Book of Common Prayer, Address moved, 786
  Military Knights of Windsor, Address moved, 1074
  Parliamentary Reform—Postponement of the Government Measures, 285
  Wages, Payment of (Hosiery), 2R. 1224

Laing, Mr. S., *Wick, &c.*
  Income Tax, Res. 1106

Lands, Valuation of, (Scotland) Bill,
  c. 2R.* 1349

Landlord and Tenant (Ireland) Bill,
  l. 2R. 2; Motion (Earl of Clancarty), 266; Motion neg. 272

Landlord and Tenant, Law of, (Ireland) Bill,
  l. 2R. 2

Landlord and Tenant, Law, of Consolidation, (Ireland) Bill,
  l. 2R. 2

Layard, Mr. A. H., *Aylesbury*
  Greek Insurrection in Turkey, 728
  Russia and the Porte, Ultimatum of the two Powers, 356, 357

Lennox, Lord A. C. F. G., *Shoreham*
  Parliamentary Reform, Postponement of the Government Measures, 284

Leasing Powers, (Ireland) Bill,
  l. 2R. 2

Leasing, Powers of, (Ireland) Bill,
  l. 2R. 2

Lefevre, Rt. Hon. Charles Shaw, *see* also Speaker, The.

Legal Education—Inns of Court,
  c. Address moved (Rt. Hon. J. Napier), 147

Libraries and Museums, Public, Bill,
  c. 1R.* 995

Liddell, Hon. H. T., *Liverpool*
  Coasting Trade, 3R. 462, 463
  Controverted Elections, 2R. 1372
  Emigrant Ships, Com. moved for, 217
  Simony Law Amendment, 2R. 1204

Liddell, Mr. H. G., *Northumberland, S.*
  Postal Communication between London and Scotland, Com. moved for, 453, 458
  Russians at Khiva, 51

Lindsay, Hon. Lieut.-Col. J., *Wigan*
  Commissariat, Frauds on the, 1070

London, Bishop of,
  Burial-Grounds Act—Metropolitan Interments, 1341, 1348

Lovaine, Lord, *Northumberland, N.*
  Conventual and Monastic Institutions, Com. 1418
  Greek Insurrection in Turkey, 715, 720
  Succession to Real Estate, 2R. 476
  Thames Improvement, 2R. 549

Lucas, Mr. F., *Meath*
  Absconding Debtors (Ireland), 2R. 510
  Conventual and Monastic Institutions, Com. moved for, 141
  Ministers' Money, &c. (Ireland), Com. *cl.* 3, 1379
  Newspaper Stamp Prosecution, 3, 703
  Property Disposal, Leave, 812
  Religious Wants of Catholic Soldiers and Sailors, 314, 327
  Valuation (Ireland) Com. *cl.* 1, 444; *cl.* 3, 447

LYNDHURST, Lord
- Statute Law Consolidation Commission (Mr. Bellender Ker), 260

MACARTNEY, Mr. G., *Antrim*
- Grand Jury Laws (Ireland), Nomination of Com. 1245, 1248
- Ordnance Office, Promotions in the, 551

McCANN, Mr. J., *Drogheda*
- Conventual and Monastic Institutions, Com. moved for, 85
- Grand Jury Laws (Ireland), Nomination of Com. 1247
- Valuation (Ireland), Com. *cl.* 3, 446

MACGREGOR, Mr. J., *Glasgow*
- Wandle Sewerage and Water, 2R. 671

MAGUIRE, Mr. J. F., *Dungarvan*
- Conventual and Monastic Institutions, Com. moved for, 105
- Ministers' Money, &c. (Ireland), 571; Com. *cl.* 2, 1375; *cl.* 3, 1377
- Settlement and Removal, 2R. 1368
- Valuation (Ireland), Com. *cl.* 3, 446

Maldon Bribery Prevention,
- *c.* Leave, 1059

MALINS, Mr. R., *Wallingford*
- Budget, The—Financial Statement, 396
- Income Tax, Res. 1108
- Property Disposal, Leave, 810
- South Sea Company, Rep. 1352
- Stonor, Mr., Appointment of, 980, 981

MALMESBURY, Earl of
- Commissariat, Frauds on the, 1067
- Foreign Office, Alleged Betrayal of Trust at the, 756, 763, 875, 884
- Russia, Correspondence of the English Government with, 635, 640

MANGLES, Mr. R. D., *Guildford*
- Bribery, Prevention of (Canterbury, &c.), Leave, 1052

MANNERS, Rt. Hon. Lord J. J. R., *Colchester*
- Drainage, Great London, 2R. 200

Marine Mutiny Bill,
- *c.* 1R.* 467; 2R.* 548; 3R.* 780
- *l.* 1R.* 846; 2R.* 875; Rep.* 991; 3R.* 1060
- Royal Assent, 1229

MASSEY, Mr. W. N., *Newport*
- Bribery, Prevention of (Canterbury, &c.), Leave, 1040

MAULE, Hon. Col. L. (Surveyor General of the Ordnance), *Forfarshire*
- Military Service and Expenditure, 258

MEAGHER, Mr. T., *Waterford, City*
- Emigrant Ships, Com. moved for, 221
- Ministers' Money, &c. (Ireland), Com. *cl.* 3, 1381

Medical Practitioners' (No. 2) Bill,
- *c.* 2R. 1250

Merchant Shipping Bill,
- *c.* 1R.* 195

Merchant Shipping Acts Repeal Bill,
- *c.* 1R.* 195

MIALL, Mr. E., *Rochdale*
- Colonial Clergy Disabilities, 2R. 1014
- Conventual and Monastic Institutions, Com. moved for, 109
- Ministers' Money, &c. (Ireland), Leave, 615; 2R. Amend. 996
- Oxford University, Leave, 912

Military Asylum at Chelsea,
- *c.* Question (Mr. Oliveira), 1271

Military Knights of Windsor,
- *c.* Address moved (Mr. Grenfell), 1071; Adj. Debate, 1336

Military Service and Expenditure,
- *c.* Motion (Mr. Hume), 223; Motion withdrawn, 260

Militia, The,
- *l.* Returns moved for (Earl of Ellenborough), 175

Militia Officers,
- *c.* Question (Mr. M. Milnes), 1272

Militia, The Irish,
- *l.* Question (Earl of Wicklow), 1

Militia, The Scotch,
- *l.* Question (Duke of Montrose), 171

MILNES, Mr. R. M., *Pontefract*
- Greek Insurrection in Turkey, 704
- Militia Officers, 1272
- Postal Communication between London and Scotland, Com. moved for, 459
- Succession to Real Estate, 2R. 477, 481

Ministers' Money, &c. (Ireland),
- *c.* Motion (Mr. Fagan), 552; Amend. (Rt. Hon. Sir J. Young), 569, [*o. q.* A. 88, N. 103, M. 15] 583

Ministers' Money, &c. (Ireland), Bill,
- *c.* Leave, Amend. (Mr. Fagan), 615, [*o. q.* A. 136, N. 93, M. 43] 617; 1R.* *ib.*;
  - 2R. 996; Amend. (Mr. Miall), [*o. q.* A. 203, N. 97, M. 106] 998;
  - Com. *cl.* 2, 1373, [A. 92, N. 77, M. 15] 1374; Amend. (Mr. Hadfield), *ib.*, [*o. q.* A. 92, N. 71, M. 21] 1376;
  - *cl.* 3, Amend. (Mr. J. O'Connell), 1377, [A. 71, N. 92, M. 21] 1379; Amend. (Mr. Fagan), 1380, [A. 76, N. 95, M. 19] 1381, [*m. q.* A. 99, N. 72, M. 27] *ib.*;
  - *add. cl.* (Mr. Vance), [A. 18, N. 144, M. 126] 1381

MITCHELL, Mr. T. A., *Bridport*
- Neutrals, Rights of, 698

Moffatt, Mr. G., *Ashburton*
  Wages, Payment of, 2R. 836, 840

Molesworth, Rt. Hon. Sir W. (First Commissioner of Works and Public Buildings), *Southwark*
  Napier, Sir C., Dinner to, 683

Moncreiff, Rt. Hon. J., *see* Advocate, The Lord

Monsell, Mr. W. (Clerk of the Ordnance), *Limerick, Co.*
  Ordnance Estimates, 143, 144, 145, 146, 147
  Ordnance Office, Promotions in the, 551

Monteagle, Lord
  Administration of Justice (Ireland), Papers moved for, 1395, 1397
  Civil Service, Papers moved for, 640, 668
  Landlord and Tenant (Ireland), 2R. 16
  Paupers, Irish, Removal of, 193
  Valuation (Ireland), Com. *cl.* 1, 1236; *cl.* 2, 1238

Montrose, Duke of
  Militia, The Scotch, 171

Moore, Mr. G. H., *Mayo*
  Conventual and Monastic Institutions, Com. Adj. moved, 1461, 1464
  Property Disposal, Leave, 808
  Settlement and Removal, 2R. 1330
  Stonor, Mr., Appointment of, 688, 691, 973, 980, 986

Mortmain Bill,
  c. Leave, 859; 1R.* 1238

Mowbray, Mr. R. J., *Durham, City*
  Colonial Clergy Disabilities, 2R. 1011

Mullings, Mr. J. R., *Cirencester*
  South Sea Company, Rep. Amend. 1351

Muntz, Mr. G. F., *Birmingham*
  Church Building Acts Continuance, 2R. 442

Mutiny Bill,
  c. 1R.* 448; 2R.* 467; 3R.* 669
  l. 1R.* 757; 2R.* 846; Rep.* 991; 3R.* 1060
  Royal Assent, 1229

Naas, Rt. Hon. Lord, *Coleraine*
  Communication between London and Dublin, Address moved, 1407

Napier, Rt. Hon. J., *Dublin University*
  Absconding Debtors (Ireland), 2R. 510
  Bankruptcy (Ireland), Leave, 1079
  Bribery, Prevention of (Canterbury, &c.), Leave, 1039
  Colonial Clergy Disabilities, 2R. 1013
  Conventual and Monastic Institutions, Com. moved for, 77
  Fisheries (Ireland), 2R. 845
  Grand Jury Laws (Ireland), Nomination of Com. 1248
  Inns of Court—Legal Education, Address moved, 147, 169

[*cont.*

Napier, Rt. Hon. J.—*continued.*
  Judgment Execution, &c., Leave, 585
  Ministers' Money, &c. (Ireland), 576; Com. *cl.* 3, 1377
  Property Disposal, Leave, 816
  Simony Law Amendment, 2R. 1201
  Valuation (Ireland), Com. *cl.* 1, 445

Napier, Sir C., Dinner to,
  c. Question (Mr. French), 674

Navy,
  List, *l.* Question (Earl of Hardwicke), 197
  Manning the, *l.* Question (Earl of Ellenborough), 515, 1060, 1230
  Religious Wants of Catholic Sailors, *c.* Observations (Mr. Lucas), 314
  Salvage by H.M. Ships, *c.* Question (Mr. Sandars), 276
  Spirits for the Use of the, *c.* Motion (Mr. P. O'Brien), 308, [A. 38, N. 97, M. 59] 314

Neutrals, Rights of,
  l. Address moved (Marquess of Clanricarde), 885
  c. Question (Mr. Mitchell), 698; Motion (Rt. Hon. T. M. Gibson), 955; Motion withdrawn, 973; Question (Sir F. Kelly), 1273

New Writs,
  c. Postponement of, 586

Newcastle, Duke of (Secretary of State for the Colonies)
  Commissariat, Frauds on the, 1064, 1066, 1067, 1229, 1230
  Landlord and Tenant (Ireland), 2R. 22; Com. 271
  Militia, The, Returns moved for, 181, 182

Newdegate, Mr. C. N., *Warwickshire, N.*
  Conventual and Monastic Institutions, Com. moved for, 128, 1429
  Oxford University, Leave, 954

Newspaper Stamps,
  c. Returns moved for (Mr. Craufurd), 135; Adj. moved (Mr. Brotherton), [A. 35, N. 66, M. 31] 137;—*Prosecutions*, Question (Mr. Lucas), 703

North, Col. J. S., *Oxfordshire*
  Conventual and Monastic Institutions, Com. 1424
  Military Knights of Windsor, Address moved, 1074

Norreys, Sir D. O. J., *Mallow*
  Valuation (Ireland), Com. *cl.* 1, 445

O'Brien, Mr. P., *King's County*
  Conventual and Monastic Institutions, Com 1453
  Spirits for the Use of the Navy, 308

O'Connell, Mr. J., *Clonmel*
  Absconding Debtors (Ireland), 2R. 508
  Budget, The—Financial Statement, 404
  Conventual and Monastic Institutions, Com. 1454

[*cont.*

O'Connell, Mr. J.—*continued.*
Emigrant Ships, Com. moved for, 203, 223
Ministers' Money, &c. (Ireland), Com. *cl.* 2, 1376; *cl.* 3, Amend. 1377
Property Disposal, Leave, 809
Valuation (Ireland), Com. *cl.* 1, Amend. 443, 447

Oliveira, Mr. B., *Pontefract*
Military Asylum at Chelsea, 1271

Ordnance Estimates,
c. 142

Ordnance Office, Promotions in the,
c. Question (Mr. Macartney), 551

Ordnance Survey (Scotland),
c. Question (Mr. Rich), 200

Osborne, Mr. R. B. (Secretary of the Admiralty), *Middlesex*
Conventual and Monastic Institutions, Com. 1440, 1461
Spirits for the Use of the Navy, 311

Oxford University Bill,
c. Leave, 892; 1R.* 955

Packe, Mr. C. W., *Leicestershire, S.*
Conventual and Monastic Institutions, Com. 1435
Declarations, Leave, 793
Settlement and Removal, 2R. Adj. moved, 1335, 1354
Succession to Real Estate, 2R. 485
Wages, Payment of, 2R. 838
Wages, Payment of (Hosiery), 2R. 1223, 1227

Pakington, Rt. Hon. Sir J. S., *Droitwich*
Army Estimates, 331
Colonial Clergy Disabilities, 2R. 999
Military Service and Expenditure, 250
Parliamentary Reform—Postponement of the Government Measures, 290
Public Business, 449
Settlement and Removal, 2R. 1333, 1360
Succession to Real Estate, 2R. Amend. 467, 469
Vancouver's Island, 550
Van Diemen's Land, Colonial Chaplaincies in, 1272

Palk, Mr. L., *Devonshire, S.*
Agricultural Statistics, 1238
Church Building Acts Continuance, Com. 1383

Palmer, Mr. Robert, *Berkshire*
Settlement and Removal, 2R. 1359

Palmer, Mr. Roundell, *Plymouth*
Oxford University, Leave, 924

Palmerston, Rt. Hon. Viscount (Secretary of State for the Home Department), *Tiverton*
Book of Common Prayer, Address moved, 785
Burial-Grounds, Private, 275, 276
Church Building Acts Continuance, Com. 1382; *cl.* 1, 1384
Church-Yards, &c. (Metropolis), Address moved, 451
[*cont.*

Palmerston, Rt. Hon. Visct.—*continued.*
County Rate Expenditure, 856
Declarations, Leave, 790
Drainage, Great London, 2R. 199, 200
Fireworks, Sale of, 782
Frost, Williams, and Jones, Pardon of, 448
Greek Insurrection in Turkey, 742, 752
High Treason (Ireland), Leave, 796
Juvenile Offenders, 782
Ministers' Money, &c. (Ireland), 569; Com. *cl.* 3, 1378
Napier, Sir C., Dinner to, 680
Property Disposal, Leave, 813
Settlement and Removal, 2R. 1362
Wandle Sewerage and Water, 2R. 671, 672
Water Supply to the Metropolis, 781, 858, 859

Parliamentary Reform—Postponement of the Government Measures,
l. Observations (Earl of Derby), 262; Returns moved for (Earl Grey), 519
c. Observation (Lord J. Russell), 277

Parliamentary Representation Bill,
c. 2R. postponed, 277

Patten, Mr. J. W., *Lancashire, N.*
Church Building Acts Continuance, 2R. 443

Paupers, Irish, Removal of,
l. Question (Earl of Donoughmore), 188

Payment of Wages Bill,
c. 2R. 818; Amend. (Mr. Craufurd), 822, [*o. q.* A. 166, N. 56, M. 110] 844

Payment of Wages (Hosiery) Bill,
c. Leave, 169; 1R.* 195
2R. 1211; Amend. (Sir W. Clay), 1219, [*o. q.* A. 120, N. 73, M. 47] 1228

Pechell, Rear-Admiral Sir G. R., *Brighton*
Russian Ships of War, Sale of, 697
Settlement and Removal, 2R. 1309

Peel, Sir R., *Tamworth*
Greek Insurrection in Turkey, 746

Peel, Mr. F. (Under Secretary for the Colonies), *Bury, Lancashire*
Canada, New Brunswick, &c. Railway, 2R. 1069
Emigrant Ships, Com. moved for, 210, 222
Stonor, Mr., Appointment of, 689; Explanation, 856, 976
Vancouver's Island, 551
Van Diemen's Land, Colonial Chaplaincies in, 1273

Pellatt, Mr. A., *Southwark*
Burial-Grounds, Private, 275
Church-Yards, &c. (Metropolis), Address moved, 453
Coasting Trade, 3R. 463
Colonial Clergy Disabilities, 2R. 999
Declarations, Leave, 787
Drainage, Great London, 2R. 199
Grammar Schools, Endowed, Address moved, 872
[*cont.*

Pellatt, Mr. A.—*continued.*
Ministers' Money, &c. (Ireland), Com. *cl.* 2, 1376
Thames Improvement, 2R. 549
Wandle Sewerage and Water, 2R. Amend. 669

Philipps, Mr. J. H., *Haverfordwest*
Settlement and Removal, 2R. 1368

Phillimore, Mr. J. G., *Leominster*
Conventual and Monastic Institutions, Com. moved for, 103
Oxford University, Leave, 952
Public Prosecutors, 2R. 588

Phillimore, Mr. R. J., *Tavistock*
Church Building Acts Continuance, Com. 1383
Colonial Clergy Disabilities, 2R. 1003
Conventual and Monastic Institutions, Com. moved for, 92
Inns of Court—Legal Education, Address moved, 162
Military Knights of Windsor, Address moved, 1337
Simony Law Amendment, 2R. 1177, 1190, 1193, 1206

Phinn, Mr. T., *Bath*
Bribery, Prevention of (Canterbury, &c.), Leave, 1037
Parliamentary Reform—Postponement of the Government Measures, 288
Succession to Real Estate, 2R. 501

Postal Communication between London and the North,
l. Petition (Earl Grey), 757
c. Com. moved for (Mr. H. G. Liddell), 453;—*Between London and Dublin,* Address moved (Mr. H. Herbert), 1397, [A. 152, N. 208, M. 56] 1410

Potter, Mr. R., *Limerick, City*
Conventual and Monastic Institutions, Com. moved for, 91
Ministers' Money, &c. (Ireland), 582
Valuation (Ireland), Com. *cl.* 1, 444

Property Disposal Bill,
c. Leave, 796, [A. 68, N. 40, M. 28] 817; 1R* 817

Public Business,
c. Question (Rt. Hon. S. H. Walpole), 449

Public Prosecutors Bill,
c. 2R. deferred, 587

Religious Wants of Catholic Soldiers and Sailors,
c. Observations (Mr. Lucas), 314

Ricardo, Mr. J. L., *Stoke-upon-Trent*
Neutrals, Rights of, 970

Rice, Mr. E. R., *Dover*
Settlement and Removal, 2R. 1294

Rich, Mr. H., *Richmond*
Greek Insurrection in Turkey, 712
Ordnance Survey (Scotland), 200

Roche, Mr. E. B., *Cork, Co.*
Conventual and Monastic Institutions, Com. moved for, 98

Russell, Rt. Hon. Lord J., *London* (Member of the Cabinet, without Office).
Colonial Clergy Disabilities, 2R. 1015
Coloured Subjects of Great Britain in the United States, 995
Controverted Elections, 2R. 1372
Conventual and Monastic Institutions, Com. moved for, 112, 1420
Grammar Schools, Endowed, Address moved, 873
Greek Insurrection in Turkey, 711
Military Service and Expenditure, 258
Neutrals, Rights of, 969, 971, 973, 1274
New Writs, Postponement of, 586
Oxford University, Leave, 892, 939
Parliamentary Reform, Postponement of the Government Measures, 277, 304, 308
Public Business, 449
Russia and the Porte, Ultimatum of the two Powers, 356, 357
Russia, Confidential Communications with, 701, 702
Russian Ships of War, Sale of, 698
Settlement and Removal, 2R. 1274, 1354, 1370
Succession to Real Estate, 2R. 497

Russell, Mr. F. W., *Limerick, City*
Conventual and Monastic Institutions, Com. moved for, 108

Russia and the Porte,
l. Correspondence with the English Government, Question (Earl of Derby), 621
c. Ultimatum of the two Powers, Question (Mr. Layard), 356;—Petition (Mr. Bright), 673;—*Confidential Communications with England,* Question (Rt. Hon. B. Disraeli), 700

Russia, War with—Message from the Queen
l. 1337
c. 1352

Russians at Khiva,
c. Question (Mr. H. G. Liddell), 51

Russian Ships of War, Sale of,
c. Question (Sir G. Pechell), 697

Sadleir, Mr. J., *Sligo Bo.*
Stonor, Mr., Appointment of, 985, 986; Explanation, 991

St. Asaph, Bishop of
Testamentary Jurisdiction, 2R. 772

St. Leonards, Lord
Chancery, Court of, Returns moved for, 1251
Common Law Procedure (1854), Second, 2R. 1259, 1261
Criminal Law Amendment, 331
Landlord and Tenant (Ireland), Com. 272
Testamentary Jurisdiction, 2R. 774

Salisbury, Marquess of
Paupers, Irish, Removal of, 194

Salvage by H. M. Ships,
c. Question (Mr. Sandars), 276

Sandars, Mr. G., *Wakefield*
Salvage by H. M. Ships, 276

Sanitary Measures,
l. Address moved (Earl of Harrowby), 526

Scobell, Capt. G. T., *Bath*
Emigrant Ships, Com. moved for, 220

Scotland,
Militia, The, l. Question (Duke of Montrose), 171
Ordnance Survey, c. Question (Mr. Rich), 200
Postal Communication with London, c. Com. moved for (Mr. H. G. Liddell), 453
See
Bankruptcy and Insolvency (Scotland) Bill
Education (Scotland) Bill
Lands, Valuation of, (Scotland) Bill

Scott, Hon. F., *Berwickshire*
Bribery, Prevention of (Canterbury, &c.), Leave, 1051

Scully, Mr. F., *Tipperary*
Conventual and Monastic Institutions, Com. 1462, 1465
Grand Jury Laws (Ireland), Nomination of Com. 1245
Valuation (Ireland), Com. *cl.* 1, 444

Scully, Mr. V., *Cork, Co.*
Conventual and Monastic Institutions, Com. 1464
Inns of Court — Legal Education, Address moved, 167
Ordnance Estimates, 146
Stonor, Mr., Appointment of, 695
Succession to Real Estate, 2R. 501

Settlement and Removal,
l. Question (Earl of Derby), 1339

Settlement and Removal Bill,
c. 2R. 1274; Amend. (Mr. Stafford), 1287; Adj. moved; Amend. (Mr. Packe), 1335, [*o. q.* A. 132, N. 121, M. 11] 1336; Adj. Debate, 1353; Adj. moved (Mr. Packe), 1354, [A. 209, N. 183, M. 26] 1371

Sewers, Metropolitan,
c. Question (Sir B. Hall), 1269

Seymer, Mr. H. K., *Dorsetshire*
Book of Common Prayer, Address moved, 787
Settlement and Removal, 2R. 1287
Sligo Election, 1386

Seymour, Rt. Hon. Lord, *Totness*
Drainage, Great London, 2R. 198
Military Service and Expenditure, 245
Ordnance Estimates, 144
Wandle Sewerage and Water, 2R. 671
Water Supply to the Metropolis, 857

Seymour, Mr. W. D., *Sunderland*
Coasting Trade, 3R. 466

Shaftesbury, Earl of
Burial-Grounds Act—Metropolitan Interments, 1347
* Christianity in the East, Address moved, 591
Sanitary Measures, Address moved, 530, 547

Shelley, Sir J. V., *Westminster*
Drainage, Great London, 2R. 198
Gaming-Houses, Leave, 1244
Parliamentary Reform—Postponement of the Government Measures, 281, 307
Wandle Sewerage and Water, 2R. 672

Sibthorp, Colonel C. D. W., *Lincoln*
Budget, The—Financial Statement, 406
Controverted Elections, 2R. 1372
Income Tax, Res. 1176
Parliamentary Reform—Postponement of the Government Measures, 287

Simony Law Amendment Bill,
c. 1R.* 51;
2R. 1177; Amend. (Mr. G. Butt), 1195, [*o. q.* A. 52, N. 138, M. 86] 1206

Sligo Election,
c. Report, 1211;
Motion (Mr. K. Seymer), 1386

Small Arms,
c. Com. moved for (Mr. G. Berkeley), 170

Smith, Rt. Hon. R. V., *Northampton*
Church Building Acts Continuance, 2R. 442
Settlement and Removal, 2R. 1312

Smollett, Mr. A., *Dumbartonshire*
Ordnance Estimates, 145, 146

Solicitor General, The (Sir R. Bethell), *Aylesbury*
Bribery, Prevention of (Canterbury, &c.), Leave 1044
Colonial Clergy Disabilities, 2R. 1005
Inns of Court — Legal Education, Address moved, 163

South Sea Company Bill,
Rep. 1349; Amend. (Mr. Follett), 1350; Amend. withdrawn, 1351; Amend. (Mr. Mullings), *ib.*; Amend. withdrawn, 1352

Speaker, The (Rt. Hon. C. S. Lefevre), *Hampshire, N.*
Fisheries (Ireland), 2R. 844
Grand Jury Laws (Ireland), Nomination of Com. 1245
Settlement and Removal, 2R. 1274
Stonor, Mr., Appointment of, 985, 986, 991

Spirits for the Use of the Navy,
c. Motion (Mr. P. O'Brien), 308, [A. 38, N. 97, M. 59] 314

Spooner, Mr. R., *Warwickshire, N.*
Conventual and Monastic Institutions, Com. 1434
Exchequer Bills, 2R. 618
Income Tax, Leave, 989, 1094; 2R. 1249
Napier, Sir C., Dinner to, 685

Stafford, Mr. A. S. O., *Northamptonshire, N.*
* Settlement and Removal, 2R. Amend. 1275
Spirits for the Use of the Navy, 313

Stanley, Lord, *King's Lynn*
Wages, Payment of, 2R. 834

Stanley of Alderley, Lord (Paymaster of the Forces, and Vice-President of the Board of Trade)
Coasting Trade, 2R. 848, 853
Valuation (Ireland), Com. *cl.* 1, 1236; *cl.* 2, 1237, 1238

Stanley, Hon. W. O., *Chester*
Bribery, Prevention of (Canterbury, &c.), Leave, 1052
Stonor, Mr., Appointment of, 983
Succession to Real Estate, 2R. 484

Statute Law Consolidation Commission,
l. Explanation—Mr. Bellenden Ker (Lord Lyndhurst), 260

Stonor, Mr., Appointment of,
c. Question (Mr. G. H. Moore), 688; Explanation (Mr. F. Peel), 856; Statement (Mr. G. H. Moore), 973; Explanation (Mr. John Sadleir), 991

Strickland, Sir G., *Preston*
Wages, Payment of (Hosiery) 2R. 1222

Stuart, Lord D. C., *Marylebone*
Drainage, Great London, 2R. 198
Greek Insurrection in Turkey, 719
Settlement and Removal, 2R. 1285
Small Arms, Com. moved for, 170

Succession to Real Estate Bill,
c. 2R. 467; Amend. (Rt. Hon. Sir J. Pakington), 471, [*o. q.* A. 82, N. 203, M. 121] 506

Supply, c.
Army Estimates, 330
Ordnance Estimates, 142

Tenants' Compensation (Ireland) Bill,
l. 2R. 2

Tenants' Improvements Compensation (Ireland) Bill,
l. 2R. 2

Tenants' Improvements, Compensation for, (Ireland) Bill,
l. 2R. 2

Testamentary Jurisdiction Bill,
l. 2R. 764;
Petition (Lord Brougham), 991

Thames Embankment and Railway (London and West London) Bill,
c. 1R.* 448

Thames Improvement Bill,
c. 2R. 548; Amend. (Hon. E. P. Bouverie) 549

Thesiger, Sir F., *Stamford*
Succession to Real Estate, 2R. 479, 481, 483, 494

Thompson, Mr. G., *Aberdeen*
Coasting Trade, 3R. 463

Tollemache, Mr. J., *Cheshire, S.*
Communication between London and Dublin, Address moved, 1410

Trollope, Rt. Hon. Sir J., *Lincolnshire, S.*
Settlement and Removal, 2R. 1365

Turkey and Russia,
l. *Correspondence with the English Government*, Question (Earl of Derby), 621;—*Queen's Message—War with Russia*, 1337
c. *Ultimatum of the two Powers*, Question (Mr. Layard) 1356; Petition (Mr. Bright), 673;—*Confidential Communications with England*, Question (Rt. Hon. B. Disraeli), 700;—*Insurrection in Greece*, Observations (Mr. M. Milnes), 704;—*Message from the Queen—War with Russia*, 1352

Tyne Harbour of Refuge,
l. Petition (Earl of Ellenborough), 1230

Urquhart, Mr. W. P., *Westmeath*
Settlement and Removal, 2R. 1299

Valuation (Ireland) Act Amendment Bill,
c. Com. *cl.* 1, 443, [A. 79, N. 25, M. 54] 445;
cl. 3, Amend. (Mr. J. D. Fitzgerald), 445, [A. 26, N. 74, M. 48] 447;
3R.* 615
l. 1R.* 618; 2R.* 1060;
Com. *cl.* 1, 1236;
cl. 2, Amend. (Earl of Clancarty), 1237; Amend. withdrawn, 1238;
3R.* 1337

Valuation of Land (Scotland) Bill,
c. 2R.* 1349

Vance, Mr. J., *Dublin, City*
Bankruptcy (Ireland), Leave, 1090
Budget, The—Financial Statement, 395
Communication between London and Dublin, Address moved, 1400
Dublin Carriage, Leave, 1060
Ministers' Money, &c. (Ireland), Com. *add. cl.* 1381

Vancouver's Island,
c. Petition (Rt. Hon. Sir J. Pakington), 550

Van Diemen's Land, Colonial Chaplaincies in,
c. Question (Rt. Hon. Sir J. Pakington), 1272

Vane, Lord H. G., *Durham, S.*
Settlement and Removal, 2R. 1336

Vestries Bill,
c. 1R.* 141
2R. 1206 ; Amend. (Hon. H. Fitzroy), 1210

Wages, Payment of, Bill,
c. 2R. 818 ; Amend (Mr. Craufurd), 822, [*o. q.* A. 166, N. 56, M. 110] 844

Wages, Payment of (Hosiery), Bill,
c. Leave, 169 ; 1R.* 195
2R. 1211 ; Amend. (Sir W. Clay), 1219, [*o. q.* A. 120, N. 73, M. 47] 1228

Walcott, Rear-Adm. J. E., *Christchurch*
Coasting Trade, 3R. 463

Waldegrave, Earl
Coasting Trade, 2R. 852

Walmsley, Sir J., *Leicester*
Wages, Payment of, 2R. 824
Wages, Payment of (Hosiery), Leave, 169 ; 2R. 1219

Walpole, Rt. Hon. S. H., *Midhurst*
Bribery, Prevention of (Canterbury, &c.), Leave, 1046, 1052, 1059
Church Building Acts Continuance, 2R. 441, 443
Colonial Clergy Disabilities, 2R. 1013
Controverted Elections, 2R. 1372
Conventual and Monastic Institutions, Com. moved for, 117
Income Tax, Res. 990
Oxford University, Leave, 914
Public Business, 449
Settlement and Removal, 2R. 1330, 1353, 1354

Walsh, Sir J. B., *Radnorshire*
Conventual and Monastic Institutions, Com. 1462

Wandle Sewerage and Water Bill,
c. 2R. 669 ; Amend. (Mr. A. Pellatt), 670, [*o. q.* A. 114, N. 143, M. 29] 673

Warner, Mr. E., *Norwich*
Bribery, Prevention of (Canterbury, &c.), Leave, 1051
Colonial Clergy Disabilities, 2R. 1003
Drainage, Great London, 2R. 196

Water Supply to the Metropolis,
c. Question (Mr. Bright), 780 ; (Lord Seymour), 857

Ways and Means—Issue of Exchequer Bills,
c. 513 ;—*Income Tax*, 752, 986 ; Amend. (Mr. Hume), 987 ; Amend. withdrawn, 991 ; Amend. (Sir H. Willoughby), 1080 ; Amend. neg. 1177

Whiteside, Mr. J., *Enniskillen*
Bribery, Prevention of (Canterbury, &c.), Leave, 1042, 1043, 1044
Conventual and Monastic Institutions, Com. 1451
High Treason (Ireland), Leave, 794
Judgment Execution, &c. 2R. 1466
Ministers' Money, &c. (Ireland), Com. *cl.* 2, 1375, 1376
Property Disposal, Leave, 796, 814
Simony Law Amendment, 2R. 1205
Sligo Election, 1386
Stonor, Mr., Appointment of, 976

Wicklow, Earl of
Administration of Justice (Ireland), Papers moved for, 1397
Common Law Procedure (1854), Second, 2R. 1263, 1266
Militia, The Irish, 1
Paupers, Irish, Removal of, 191

Wigram, Mr. L. T., *Cambridge University*
Colonial Clergy Disabilities, 2R. 1004
Oxford University, Leave, 930

Wilkinson, Mr. W. A., *Southwark*
Church-Yards, &c. (Metropolis), Address moved, 453
Income Tax, Res. 1103

Williams, Mr. W., *Lambeth*
Army Estimates, 331
Budget, The—Financial Statement, 392, 405
Communication between London and Dublin, Address moved, 1409
Drainage, Great London, 2R. Amend. 195
Income Tax, Res. 1093
Military Service and Expenditure, 233
Ordnance Estimates, 142
Vestries, 2R. 1210

Willoughby, Sir H. P., *Evesham*
Budget, The—Financial Statement, 390, 402, 404
Income Tax, Res. Amend. 1080
Ways and Means, 513

Wilson, Mr. J. (Secretary of the Treasury), *Westbury*
Neutrals, Rights of, 699
Newspaper Stamps, Return moved for, 135
Ordnance Estimates, 144, 146
Postal Communication between London and Scotland, Com. moved for, 456, 459
Thames Improvement, 2R. 549

Winchilsea, Earl of
Militia, The, Returns moved for, 187

Wood, Rt. Hon. Sir C. (President of the Board of Control), *Halifax*
Neutrals, Rights of, 698
Russians at Khiva, 52

Wortley, Rt. Hon. J. A. S., *Buteshire*
Settlement and Removal, 2R. 1335

WYNFORD, Lord
Testamentary Jurisdiction, 2R. 777

YOUNG, Rt. Hon. Sir J. (Secretary for Ireland), *Cavan, Co.*
Dublin Carriage, Leave, 1059
Dublin Port, Leave, 1060
Fisheries (Ireland), 2R. 844, 845 [*cont.*

YOUNG, Rt. Hon. Sir J.—*continued.*
Government Prisons (Ireland), 467
Grand Jury Laws (Ireland), Nomination of Com. 1247, 1248
Ministers' Money, &c. (Ireland), Amend. 562; Leave, 615; Com. *cl.* 2, 1373, 1374; *cl.* 3, 1377, 1380; *add. cl.* 1381
Valuation (Ireland), Com. *cl.* 1, 443; *cl.* 3, 445, 446, 447

Woodfall and Kinder, Printers, Angel Court, Skinner Street, London.

K 28 MAR 1973